

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 7, 2000 AT 6:30 P.M.**

The Meeting was called to order at 6:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of July 31, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APP. OF RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL FOR A CLASS C & LIQUOR CATERING LICENSE AT 5900 OLD CHENEY RD. - Scott Miller, 7041 Woody Creek Lane, took oath: I'm the president of Rainmaker representing both items 1 & 2. Rainmaker Restaurant Corp. has Lazlo's Brewery & Grill. This is just our application for a new south location & it's fairly straight forward, but I'll entertain any questions that you might have.

This matter was taken under advisement.

MAN. APP. OF SCOTT BOLES FOR RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL AT 5900 OLD CHENEY ROAD - Joan Ross, Deputy City Clerk: And you were speaking on his behalf, too?

Scott Miller: Yes I'm speaking on Scott's behalf.

This matter was taken under advisement.

APP. OF P.L.P., LLC. DBA SUN VALLEY BAR & GRILL TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 55' BY 60' TO THE NORTH AT 300 W. P ST. (7/31/00 - PUBLIC HEARING & VOTE CONT. TO 8/7/00) (IN CONNECTION W/00R-198, S.P. #1776A);

SPECIAL PERMIT 1776A - APP. OF SUN VALLEY BAR & GRILL TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON & OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 300 W. "P" ST. - Michael Rierden, 645 M St., Suite 200, took oath: Mr. Chairman and Members of the Council, Michael Rierden appearing on behalf of the applicant, Sun Valley Bar & Grill. Paul Pfundt is the principal in this particular application. I apologize for last week he was unaware of the hearings and tonight he is unable to appear. He asked me to appear on his behalf. What you have in front of you are two requests, one is for the, merely, the extension of his licensed premises. He's added a restaurant facility and another or a bar within this new licensed extension area. And, the other item before you is the Special Permit which you commonly see in these types of matters. It's my understanding that Planning is recommending conditional approval to you and we agree with all of the conditions of the Special Permit. I think the extension request is in compliance with the Nebraska Liquor Control Act. We ask you to look favorably upon this. I'd attempt to answer any questions Council Members may have.

This matter was taken under advisement.

AMENDING SECS. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 OF THE LMC TO INCREASE THE FEES FOR SWIMMING POOLS, SPA FACILITIES, MAINTAINING OR USING WATER WELLS WITHIN THE CITY LIMITS, & CONSTRUCTING & ALTERNATING INDIVIDUAL SEWAGE SYSTEMS, & AMENDING SEC. 8.44.060 TO PROVIDE FOR BI-ANNUAL PERMITS FOR WATER WELLS WITHIN THE CITY - Leon Vinci, Director of Health Dept.: Good evening, members of the Council. My name is Leon Vinci and I'm the Health Director of Lincoln and Lancaster County. With me is John Miner our supervisor for our Water Program Services. The item before you this evening is as you'll note from some of the information in your packet refers to an assessment we made recently concerning those areas of fees and permits and they hadn't been changed or addressed in 10 years, roughly, so we thought it was time to keep current and to recommend some small changes. After Board of Health review, after solicitation input

from the public through focus groups and some direct contact, I think we sent out some 300 letters at one time, and it's been an ongoing process

and now it's culminating with the proposal before you tonight.
This matter was taken under advisement.

APPROVING THE DOWNTOWN LINCOLN ASSOCIATION BUDGET FOR FY 2000-2001 MANAGEMENT & MAINTENANCE DISTRICTS - Marc Wullschleger, Urban Development Director: Good evening, I'm Marc Wullschleger City Urban Development and I'm here to introduce DLA's annual program of work and BID budgets for review and public hearing. These documents before you tonight include the proposed budget for the second year of the management BID which is reconstituted and re-authorized last year, 1999. Also, before you is proposed budget for the Downtown Maintenance BID, so both management and maintenance, which is renewed insignificantly, expanded three years ago, 1997 is you recall that. All these documents have been thoroughly reviewed by Urban Development, Law, Mayor's Office, and the DLA Board. If you recall we are the body that oversees DLA and the maintenance and the management BID's. The maintenance BID has been under great pressure this year. They've had a little trouble operating and have been short on funds. They have been real inventive and found ways to meet that budget. You see the new Andy the little sidewalk sweeper out operating. I saw it today out operating and that was donated by Updowntowners. That's one of the ways they are meeting their budget. I'm happy to answer any questions now or after DLA's comments. Right now I'd like to turn things over to Polly McMullen. Polly's Executive Director of Downtown Lincoln Association, Polly.

Polly McMullen, Executive Director of Downtown Lincoln Association: Thank you Marc and good evening Council Members. With me tonight are Gene Langdale our maintenance supervisor and Brenda Poole our Finance Director in case you have any questions. We do know you have a long evening tonight so we're going to be very, very brief. As the Mayor explained, the Mayor pardon me, as Marc explained the budgets before you tonight are almost identical to the ones that you approved last year. The proposed management BID budget is a very hold the line budget. In fact, the bottom line total budget on the proposed next years budget is actually \$75.00 lower than our current years budget, so we're proud of that. As we noted in our cover memo to you in July when we submitted these budgets we were in the final stages then of some organizational changes, namely the creation of an Events Management Corp. for Downtown. We therefore had to submit to you two versions of our management budget. Budget A was based on our current structure and would be the one that we would go forward with if the Events Corporation were not going to happen. Budget B was based on our new structure and I'm pleased to report that last week the Updowntowners did unanimously approve the details of the new Events Corporation. So, tonight we are officially asking you to withdraw Management Budget A and to approve Management Budget B for the coming year. The one difference between A and B they are almost identical, but in B the Updowntowners will begin to share some of the administrative costs now that have been totally borne by DLA and what that gives us the ability to do is to redirect about \$22,000 into programs and services for Downtown and for our rate payers, so it's a good deal. On the maintenance budget, we very much appreciate your efforts and the efforts of the Administration to find some additional dollars for this program which Marc well described, it's been under a lot of stress this last year. And, we do hope you will approve those funds. I'd like to close by taking the opportunity to just thank each and every one of you for all your support this past year of Downtown. It's really quite an exciting time, lots of good things are happening. I think thanks to the work of our maintenance crew Downtown looks wonderful. The flowers, the cleanliness, the Updowntowners have really helped us raise the bar even higher with the street sweeper. We've got lots of redevelopment projects under way, so we thank you because all of this would not be possible without the strong partnership that we have with you.

Mr. Shoecraft: Polly, I just wanted to say I want to commend you on your leadership, DLA Board. I know Councilwoman Seng is our representative on that and your maintenance division. Where Downtown has been to where it is today I am very, very proud of Downtown Lincoln.

Ms. McMullen: Thank you.

Mr. Shoecraft: And, I'm very proud to say to a visitor or to a friend this is Downtown Lincoln. It's absolutely incredible. It reflected on me how clean it is and the sense of security that you get now and the friendliness and I commend you and your organization and the Board members and the maintenance division and my colleagues on the Council and the Administration also for this wonderful partnership to develop a wonderful Downtown, so thank you.

Ms. McMullen: Thank you we appreciate your comments. Lots of people have worked hard.

Mr. Fortenberry: Polly, let me just second that. I was reflecting on something similar. I do this subconsciously quite a bit, but did it conscientiously recently as I was coming down 180 and of course you get the panoramic view of Downtown and seeing large cranes constructing the various projects that we've had over the last year, which is good, infill development on areas that had been in decline or underutilized is just such a tremendous, I guess, credit to your efforts and of course the private sectors efforts, but also the Cities efforts to work together on all these projects so really proud of you and thanks for all your hard works.

Ms. McMullen: Thanks to all of you.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 94-54B - AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT VARIOUS FUTURE IMPROVEMENTS TO THE LINCOLN WATER SYSTEM AND LINCOLN ELECTRIC SYSTEM, IN CONJUNCTION WITH THE FY 2000-2006 CAPITAL IMPROVEMENTS PROGRAM - Dan Pudenz, Engineering Manager of Lincoln Electric System: What we have is just an update to the comprehensive plan for projects that both that we have completed and that we have ongoing. Primarily the changes in the drawing include three projects that were shown on the existing drawing as proposed that are now completed. It also includes the designation on there for our Salt Valley generating station in Northeast Lincoln as well as cleaning up some of the symbols in the bottom right. We have two symbols, one for a new proposed substation and one for a proposed substation. We eliminated one of those symbols. So if you have any questions I can answer those.?

This matter was taken under advisement.

MISCELLANEOUS HEARING

Danny Walker, 427 E Street: He came forward about the clutter on property at 115 H Street that has been an ongoing issue. He proceeded to show pictures of other property needing to be cleaned up, one being underneath the Salt Valley Overpass and property at 1st & H Street. He also, requested answers in writing to questions, 1. Was the curbcut on 1st St. leading to the business done with a permit and done legally? Was wiring underground leading to the pallet shed building according to wiring code? Did the electrical inspectors inspect this? 2. Why wasn't legal action taken by the City against those responsible for the illegal fill located at 115 H Street & 1st & G Street? 3. Why was nothing done about the pile of building residue piled on the property of 115 H Street? Why was no legal action taken against the owners of those responsible J & B Construction, Pavers Inc. for the illegal closure of the alley located between H & G and G Street near the Capital Parkway west overpass?

This matter was taken under advisement.

Glen Cekal, 1420 C Street: Expressed concern of Governor Johanns feasibility study of getting public electrical system into private enterprise. Lincoln has one of the finest electrical system. Need to get the problem of bind weed due to the drought under control. He stated we need to as a City to become conscious of the appearance of our City.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING CHAPTER 12.20 OF THE LMC RELATING TO TREES & SHRUBBERY BY ADDING A NEW SECTION NUMBERED 12.20.025 TO PROVIDE FOR THE PLANTING OF STREET TREES ON PRIVATE PROPERTY PURSUANT TO AN EASEMENT AGREEMENT IF THERE IS INSUFFICIENT LAND AVAILABLE FOR THE PLANTING & PROPER GROWTH OF THE STREET TREE OR TREES IN THE PUBLIC RIGHT-OF-WAY - PRIOR to Reading:

COOK Moved to place Bill 00-130 on Pending until September.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 12.20 of the LMC relating to trees & shrubbery by adding a new section numbered 12.20.025 to provide for the planting of street trees on private property pursuant to an easement agreement if there is insufficient land available for the planting & proper growth of the street tree or trees in the public right-of-way, the third time.

VACATING A PORTION OF 7TH ST. FROM THE NORTH LINE OF "T" ST. TO THE NORTH LINE OF "U" ST. - DEPUTY CLERK read an ordinance, introduced by Jon Camp,

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vacating a portion of 7th St. from the north line of "T" St. to the north line of "U" St., the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17702**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS BY CHANGING THE PAY RANGES FROM A-16 TO M-04 FOR THE CLASSIFICATIONS OF SANITARY ENGINEER, SUPT. OF SOLID WASTE OPERATIONS, SUPT. OF WATER POLLUTION CONTROL FACILITIES, SUPT. OF WASTEWATER COLLECTION, SUPT. OF WATER PRODUCTION & TREATMENT, & SUPT. OF WATER DISTRIBUTION - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups by changing the pay ranges from A-16 to M-04 for the classifications of Sanitary Engineer, Supt. of Solid Waste Operations, Supt. of Water Pollution Control Facilities, Supt. of Wastewater Collection, Supt. of Water Production & Treatment, & Supt. of Water Distribution, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17703**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "E", "X", & "M" - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, monthly, biweekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "E", "X", & "M", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17704**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "A" & "C" - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "A" & "C", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17705**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "B" - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "B", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17706**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "N" - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "N", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17707**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 2.76 OF THE LMC TO MAKE REALLOCATION TO A CLASSIFICATION WITH A HIGHER PAY RANGE CONFORM WITH A PROMOTION AS TO RATE OF PAY FOLLOWING SUCH ACTION; TO DIFFERENTIATE BETWEEN INCREASES RECEIVED AT THE COMPLETION OF ORIGINAL PROBATION BY EMPLOYEES IN GIVEN PAY RANGES; TO DIFFERENTIATE BETWEEN A VOLUNTARY DEMOTION & THE EMPLOYEE'S RATE OF PAY AS THE RESULT OF SUCH ACTION; TO SIMPLIFY LANGUAGE & REFLECT NEGOTIATED CHANGES WITH RESPECT TO SICK LEAVE WITH PAY; TO ALLOW EMPLOYEES IN PAY RANGE "X" TO ACCRUE VACATION THE FIRST SIX MONTHS OF EMPLOYMENT; & TO DEFINE & EXPAND DEFINITION OF EARLY RETIREMENT - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.76 of the LMC to make reallocation to a classification with a higher pay range conform with a promotion as to rate of pay following such action; to differentiate between increases received at the completion of original probation by employees in given pay ranges; to differentiate between a voluntary demotion & the employee's rate of pay as the result of such action; to simplify language & reflect negotiated changes with respect to sick leave with pay; to allow employees in range "X" to accrue vacation the second six months of employment; & to define & expand definition of early retirement, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17708** recorded in Ordinance Book 24, Page

DEDICATING THE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - DEPUTY CLERK read an ordinance, introduced by Jon Camp, dedicating the N. 33rd St. right-of-way generally located north of Superior St. the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17709**, is recorded in Ordinance Book 24, Page

ACCEPTING THE OFFER OF NORTH 33RD, L.L.C. TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - DEPUTY CLERK read an ordinance, introduced by Jon Camp, accepting the offer of North 33rd, L.L.C. to dedicate N. 33rd St. right-of-way generally located north of Superior St., the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17710**, is recorded in Ordinance Book 24, Page

ACCEPTING THE OFFER OF LANCASTER COUNTY SCHOOL DISTRICT 001 AKA LINCOLN PUBLIC SCHOOLS TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - DEPUTY CLERK read an ordinance, introduced by Jon Camp, accepting the offer of Lancaster County School District 001 aka Lincoln Public Schools to dedicate N. 33rd St. right-of-way generally located north of Superior St., the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17711**, is recorded in Ordinance Book 24, Page

ACCEPTING THE OFFER OF DENNIS R. SCHWORER TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - DEPUTY CLERK read an ordinance, introduced by Jon Camp, accepting the offer of Dennis R. Schworer to dedicate N. 33rd St. right-of-way generally located north of Superior St., the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17712**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1776A - APP. OF SUN VALLEY BAR & GRILL TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON & OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 300 W. "P" ST. -DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80317 WHEREAS, Paul Pfundt for Sun Valley Bar and Grill has submitted an application designated as Special Permit No. 1776A for authority to sell alcoholic beverages for consumption on and off the premises generally located at 200 West P Street, legally described as:

The southern portion of Lot 150 of Irregular Tracts located in the Southeast Quarter of Section 22, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska. General location of the premises, including the approved beer garden, is: beginning at the southwest corner of said Lot 150, I.T.; thence easterly on the south line of said Lot 150, a distance of 121.00 feet; thence north 90 degrees, a distance of 21.2 feet to the point of beginning; thence continuing north 90 degrees, a distance of 100.00 feet; thence east 90 degrees, a distance of 50.00 feet; thence south 90 degrees, a distance of 33.00 feet; thence north 90 degrees, a distance of 6.00 feet; thence west 90 degrees, a distance of 17.0 feet to the point of beginning; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on and off the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Paul Pfundt for Sun Valley Bar and Grill, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on and off the premises on property legally described above be and the same is hereby granted under the provisions of Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on and off the premises at the expanded establishment located at 200 West P Street.

2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

4. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City DEPUTY CLERK shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1840 - APP. OF ANGIE MUHLEISEN, ON BEHALF OF UNION BANK, FOR A PARKING LOT ON PROPERTY LOCATED AT 4717, 4723, & 4731 HILLSIDE ST. - PRIOR to reading:

SENG Moved to place Bill 00R-199 on Pending indefinitely.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1841 - APP. OF L. W. HOFFMAN, ON BEHALF OF ANDERSON FORD, TO DISPLAY AUTOMOBILES FOR SALE IN THE FRONT YARD & REAR YARD, WITH A REQUEST TO WAIVE THE LANDSCAPE REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 29TH & CORNHUSKER HWY. - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-200 on Page 1, Line 3, 10, & 18 by deleting "front yard and" in each.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80328 WHEREAS, L.W. Hoffman, on behalf of Anderson Ford, has submitted an application designated as Special Permit No. 1841 for authority to display automobiles for sale in the front yard and rear yard and a waiver of the landscape requirements on property located at 29th and Cornhusker Highway, and legally described to wit:

Spilker's First Addition, Lot 1, except 89 square feet
on the southwest corner for right-of-way, in Section 7,
Township 10 North, Range 7 East of the 6th P.M.,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this automobile display in the front and rear yards will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of L.W. Hoffman, on behalf of Anderson Ford, hereinafter referred to as "Permittee", to display automobiles for sale in the front yard and rear yard and a waiver of the landscape requirements, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.240 of the Lincoln Municipal Code upon condition that operation of said automobile sales lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. Vehicles stored for sale and resale in the rear yard must be stored on the existing pavement and said storage is limited to ten vehicles.

2. The hood or trunk or both shall not be left open on the stored vehicles for sale and resale except when the vehicle is inspected by a customer or being serviced.

3. If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot nor shall the area be considered a nonconforming parking lot.

4. Before storing vehicles for sale or resale the construction plans must conform to the approved plans.

5. All privately-owned improvements, including landscaping, shall be permanently maintained by the owner.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City DEPUTY CLERK shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

9. The approval of this special permit voids and supersedes Special Permit 1734 to sell alcoholic beverages.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JULY 24, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City DEPUTY CLERK.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80326 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity

unless otherwise directed by the City Council. (Investments beginning 07/28/00)

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2000 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80327 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended June 30, 2000, \$240,318.96 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various fund on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ration that such balance bears to the total of all fund balances.

Introduced by Jeff Fortenberry

Seconded by & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

RECAPITULATION OF DAILY CASH RECEIPTS FOR LINCOLN WATER & WASTEWATER SYSTEM FOR JULY 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER FOR FRANCHISE FEES FROM TIME WARNER CABLE FOR THE QUARTER ENDING JUNE 30, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **April, May, & June, 2000:** OneStar Long Distance; **June 2000:** American Farm Bureau, Intelicall, GTE Comm., IBM Global, MCI Telecom., Excel - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

OTHER RESOLUTIONS

APP. OF RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL FOR A CLASS C & LIQUOR CATERING LICENSE AT 5900 OLD CHENEY RD. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80314 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rainmaker Restaurant Corp. dba "Lazlo's Brewery & Grill" for a Class "C" and liquor catering license at 5900 Old Cheney Road, Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF SCOTT BOLES FOR RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL AT 5900 OLD CHENEY ROAD - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80315 WHEREAS, Rainmaker Restaurant Corp. dba "Lazlo's Brewery & Grill" located at 5900 Old Cheney Road, Lincoln, Nebraska has been approved for a Retail Class "C" and liquor catering license, and now requests that Scott Boles be named manager;

WHEREAS, Scott Boles appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Scott Boles be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF P.L.P., LLC. DBA SUN VALLEY BAR & GRILL TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 55' BY 60' TO THE NORTH AT 300 W. P ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80316 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of P.L.P., LLC dba Sun Valley Bar & Grill to expand its licensed premises by the addition of an area measuring 55 feet by 60 feet to the north of the presently licensed premises located at 300 West P Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE DOWNTOWN LINCOLN ASSOCIATION BUDGET FOR FY 2000-2001 MANAGEMENT & MAINTENANCE DISTRICTS - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80318 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown, Core Overlay, and Maintenance Districts by the Downtown Lincoln Association for approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Downtown Lincoln Association Program of Work and Budgets for the period of September 1, 2000 to August 31, 2001 for the provision of services by the Downtown Lincoln Association under the Management Contract as it relates to the Downtown, Core Overlay, and Maintenance Districts is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING GERRY KRIESER TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING AUGUST 24, 2001 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80319 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Gerry Krieser to the Board of Zoning Appeals for a term expiring August 24, 2001 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2003 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80320 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Mike McNiff to the Examining Board of Plumbers for a three-year term expiring September 4, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING MIKE MCNIFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2003 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80321 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Mike McNiff to the Water Conditioning Board of Examiners for a three-year term expiring September 4, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-54B - AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT VARIOUS FUTURE IMPROVEMENTS TO THE LINCOLN WATER SYSTEM AND LINCOLN ELECTRIC SYSTEM, IN CONJUNCTION WITH THE FY 2000-2006 CAPITAL IMPROVEMENTS PROGRAM - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80322 WHEREAS, the Planning Director has made application to amend the 1994 Lincoln City-Lancaster County Comprehensive Plan by revising Figure 44, "Major Future Water System Improvements for the Lincoln Water System," and Figure 53, "Lincoln Electric System (LES) Service Area, Transmission Lines and Other Facilities" to update the future improvements to the Lincoln Water System and Lincoln Electric System; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Lincoln City-Lancaster County Comprehensive Plan (1994) be and the same is hereby amended as follows:

1. Revise Figure 44 "Major Future Water System Improvements for the Lincoln Water System" (page 131), as shown on Attachment "A" attached hereto and made a part hereof by reference; and
2. Revise Figure 53 "Lincoln Electric System (LES) Service Area, Transmission Lines and Other Facilities" (page 150) as shown on Attachment "B" attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE HARVEST PROJECT CONTRACT BETWEEN LANCASTER COUNTY AND THE LINCOLN AREA AGENCY ON AGING/LINCOLN INFORMATION FOR THE ELDERLY FOR THE PROVISION OF MENTAL HEALTH, SUBSTANCE ABUSE, AND AGING SERVICES TO ELDERLY RESIDENTS OF LANCASTER COUNTY - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80323 WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 1997) units of local government may enter into agreements for joint or cooperative action on the basis of mutual advantage and to provide services in a manner in the best interest of local communities; and

WHEREAS, the Lincoln Area Agency on Aging/Lincoln Information for the Elderly (LAAA/LIFE) and Lancaster County, a political subdivision of the State of Nebraska, on behalf of Community Mental Health Center, respond to elderly persons living in Lancaster County who are at risk and in need of coordinated mental health, substance abuse, and aging services; and

WHEREAS, the County as Grantee of a Community Health Endowment Fund Grant desires to form the Harvest Project, a multi-disciplinary team to coordinate the delivery of services to Lancaster County's elderly; and

WHEREAS, LAAA/LIFE utilizes a specialized program with expertise essential to the success of the Harvest Project as a member of the multi-disciplinary team.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The attached Interlocal Agreement between Lancaster County and the City of Lincoln, Lincoln Area Agency on Aging/Lincoln Information for the Elderly, related to the Harvest Project, is hereby approved.

2. The Mayor is hereby authorized to enter into the Agreement on behalf of the City .

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF HUSKER POWER CLUB TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80324 WHEREAS, Husker Power Club, Inc. has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of

Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Husker Power Club, Inc. to conduct a raffle in the City of Lincoln in accordance with the application filed by Boyd Epley. The City DEPUTY CLERK is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific raffles described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., AUG. 14, 2000 AT 1:30 P.M. ON THE MAN. APP. OF MELISSA DAVIS FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 942 S 27TH ST. -DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80325 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 21, 2000, at 1:30 pm. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Melissa Davis for Whitehead Oil Company dba "U-Stop Convenience Shop" at 942 S. 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN SEVERAL FUNDS WITHIN PUBLIC WORKS & UTILITIES AND THE PARKS AND RECREATION DEPARTMENTS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, authorizing the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within several funds within Public Works & Utilities and the Parks and Recreation Depts., the first time.

ADOPTING A REVISED VERSION OF THE RETIREMENT PLAN FOR UNCLASSIFIED DEPARTMENT HEADS TO ELIMINATE OUTDATED AND OBSOLETE LANGUAGE CONTAINED IN SAID PLAN - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, adopting a revised version of the Retirement Plan for Unclassified Department Heads to eliminate outdated and obsolete language contained in said Plan, the first time.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION 5.04.165 TO ADD AN OFFENSE FOR OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR VEHICLE - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.04 of the Lincoln Municipal Code by adding a new Section 5.04.165 to add an offense for open alcoholic beverage containers in a motor vehicle, the first time.

AMENDING CHAPTER 10.48 OF THE LINCOLN MUNICIPAL CODE RELATING TO BICYCLES BY REPEALING SECTIONS 10.48.100 AND 10.48.120 AND AMENDING SECTIONS 10.48.250 AND 10.48.280 TO REMOVE OUTDATED CODE PROVISIONS PERTAINING TO BICYCLE REGISTRATION - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 10.48 of the Lincoln Municipal Code relating to Bicycles by repealing Sections 10.48.100 and 10.48.120 and amending Sections 10.48.250 and 10.48.280 to remove outdated code provisions pertaining to bicycle registration, the first time.

**REGULAR MEETING
AUGUST 7, 2000
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CHANGE OF ZONE 3256 - AMENDING CHAPTER 27.58 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE AIRPORT ENVIRONS NOISE DISTRICT TO CLARIFY THE USES PERMITTED IN AIRPORT ENVIRONS NOISE DISTRICTS 1 AND 2 AND USES PERMITTED ON PREMISES LOCATED IN BOTH DISTRICTS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, Change of Zone 3256 - Amending Chapter 27.58 of the Lincoln Municipal Code relating to the Airport Environs Noise District to clarify the uses permitted in Airport Environs Noise Districts 1 and 2 and uses permitted on premises located in both Districts, the first time.

CHANGE OF ZONE 3267 - APPLICATION OF GARDENS COMPLEX, L.L.C. FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT AND R-4 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF "O" STREET BETWEEN 44TH AND 45TH STREETS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, Change of Zone 3267 - Application of Gardens Complex, L.L.C. for a change of zone from H-2 Highway Business District and R-4 Residential District to O-2 Suburban Office District on property generally located south of "O" Street between 44th and 45th Streets, the first time.

CHANGE OF ZONE 3270 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM "P" PUBLIC USE TO "I" INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 6TH AND "G" STREETS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, application of the Planning Director for a change of zone from "P" Public Use to "I" Industrial on property generally located at South 6th and "G" Streets, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "P" - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule and schedules of annual, monthly, biweekly, and hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "P", the first time.

AMENDING SECS. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 OF THE LMC TO INCREASE THE FEES FOR SWIMMING POOLS, SPA FACILITIES, MAINTAINING OR USING WATER WELLS WITHIN THE CITY LIMITS, & CONSTRUCTING & ALTERNATING INDIVIDUAL SEWAGE SYSTEMS, & AMENDING SEC. 8.44.060 TO PROVIDE FOR BI-ANNUAL PERMITS FOR WATER WELLS WITHIN THE CITY - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Secs. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 of the LMC to increase the fees for swimming pools, spa facilities, maintaining or using water wells within the city limits, & constructing & alternating individual sewage systems, respectively; amending Sec. 8.44.060 of the LMC to provide for bi-annual, rather than annual permits for water wells within the City; & repealing Secs. 8.38.090, 8.40.070, 8.44.060, 8.44.070, & 24.38.070 of the LMC as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

SPECIAL PERMIT 1843 - APP. OF LORA BELLE M. HANSON FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, APPROVING A WAIVER OF THE DESIGN STANDARDS REQUIRING A MINIMUM SEPARATION DISTANCE OF 100 FEET FROM A RESIDENTIAL DISTRICT OR RESIDENTIAL USE, & APPROVING A WAIVER OF THE DESIGN STANDARDS PROHIBITING DOORS FROM FACING RESIDENTIAL DISTRICTS WITHIN 150 FEET, AT 2620 STOCKWELL ST. - DEPUTY CLERK requested to have Bill 00R-178 removed from Pending for Public Hearing & Action on 8/14/00.

JOHNSON So moved.

 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE LINCOLN CITY EMPLOYEES ASSOCIATION - DEPUTY CLERK requested to have Bill 00R-204 removed from Pending for Public Hearing & Action on 8/14/00.

JOHNSON So moved.

 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,

Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to extend the Pending List for 1 week.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on Aug. 14,
2000.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to adjourn the City Council meeting of August 7, 2000.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ADJOURNED 7:45 P.M.**

RECONVENED 8:05 P.M.

ONE & SIX YEAR STREETS & HIGHWAY PROGRAM

Chairperson Jerry Shoecraft: This evening the Lincoln City Council is holding a public hearing on the One and Six Year Street and Highway Program. For the record, we are assembled in the City Council Chambers, Lincoln, Nebraska. The date is August 7, 2000, the time is 8:05 p.m. A record of the hearing and proceeding is being made. Present and conducting this hearing are City Council Members: Coleen Seng, Cindy Johnson, Jon Camp, Jonathan Cook, Annette McRoy, Jeff Fortenberry, and myself, Jerry Shoecraft-Chairperson. This public hearing is held each year to fulfill State statutory requirements and also serves as the public hearing for the City's Capitol Improvements Program and the Federal Transportation Improvement Program. The One Year Program lists projects proposed for final design, right-of-way acquisition, construction or study during fiscal year 2000-2001. The Second through Sixth Year Program lists those projects which are in some phase of development or will enter the street planning process. All projects are identified on the Public Hearing notice advertized in the Lincoln Journal Star, July 15, the 22nd, and the 23rd, year 2000. This public hearing is being held so citizens will have an opportunity to express their views on this proposed program. In addition, citizens have a minimum of 10 days after the hearing to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before, August 17, 2000 will become a part of the public hearing record. These statements should be forwarded to V. Singh, City Public Works Department, Engineering Services, 1001 N. 6th Street, Lincoln, Nebraska, 68508. This public hearing will be divided into three parts: First, City staff will present information related to the program. The Second part of the hearing is for your participation. We are hear to receive input from you. Part Three of the hearing will include my closing remarks. At this time, I would like to call upon City Staff to present information relating to this program. Public Works

Roger Figard, Public Works and Utilities: As Chairman Shoecraft just said, I want to reiterate again, that this public hearing for the One and Sixth Street Improvement Program is being held to fulfill State Statutory requirements for the State Highway user funds, commonly known as the State Gas Tax that we receive. It also serves as a public hearing for the City's Capitol Improvement Program and the Federal Transportation Improvement called the TIP. On the display for those that are watching, I wanted to make sure that everyone clearly understood that the Capital Improvement Program that was advertized and being shared tonight, is the same program that is in the City's Capital Improvement Program FY 2000-2006 and as shown in the June 2000 City Council Review CIP. The City annually receives a total of about \$26 and a half million dollars of money for its improvements for its streets and highways. Of that approximately \$14 million comes from the State Gas Tax, another approximate \$4.7 million from Federal Highway Demonstration money or Federal Aide known as Tea 21. The remainder of the \$26 and half million dollars approximately \$7.8 million comes from our own City Wheel Tax for that program. The One Year Program lists projects proposed for final design, right-of-way acquisition, construction or are under study during Fiscal year 2000-2001. The Second through the Sixth year program for Fiscal years 2001-2006

identifies those projects which are in some phase of development or will enter the street planning process.

Again, I will just briefly go over the One and Six Year Program, starting again with the One Year projects that are proposed for final design, right-of-way acquisition, construction or study during fiscal year 2000-2001. These projects include Project #12, which is O Street, from 53rd to Wedgewood and portions of Cotner and 56th from approximately Randolph up to 'P' or 'Q' Street. It also includes Pioneers Blvd. from approximately 70th Street over to 84th Street and a short portion of 84th north and south of Pioneers Blvd. to Old Cheney intersection. (inaudible)... 84th Street from just south of Pioneers down through the Old Cheney intersection and Project #25 shows some State Aide or Enhancement money for Pedestrian/Bicycle overpass at the BN Rail Tracks at 6th and 8th Street. The One Year Program also includes some studies that have been on-going. One of those is Project #24 which is the study of the intersection of 14th and Old Cheney and Warlick Blvd. There have been a number of accidents and concern expressed about that intersection. We have entered into a contract to start a study to see if there are some possible solutions that would help improve that situation. Also, Project #14 which is the Antelope Valley MIS, Major Investment Study, the study continues on into this Fiscal year as we bring forward a proposed Comprehensive Plan Amendment for your consideration. Projects #13 & 20, is 70th Street from 'O' Street up through north of Adams Street. While there is money in there for that Project to start the study, since the City, Public Works and the Planning Department are involved in a long-range Transportation Plan update that proposes looking at additional capacity study in that area. The money is in the program, but we would propose to start any study out there until the long-range plan has been brought forward and we have direction from this Body on what is to happen out there in the capacity issues between 70th and 84th Streets, so there is money in there, but we would not move forward with that study. Then, Project #10, which is the South and East Beltway studies continue to move on. In addition to those primary projects, I would point out that each year there are a number of activities that we do that are key to taking care of the existing infrastructure system. Each year we have an Arterial Residential Rehabilitation Program. This year, we are proposing nearly a half-million dollar increase over last year, which would put that a proposed \$5.2 million for next year. There is money in the program for intersection improvements, repaving districts, emergency and safety projects, traffic signal projects - both new, modified and replacements. There is also dollars in there to continue our data collection for traffic optimization and efficiency for travel on the existing streets. Just gathering data to analyze what is happening on the existing street system out there, such that we can determine how are we doing with the system. There is dollars each year set aside for landscaping and beautification for street improvement projects in conjunction with street improvement projects.

The 2nd through 6th year of the program really identifies those projects that will enter into some phase of development or continued funding in the street planning process. As I go through that list, I am not going to list every project because some of those are continued funding of a project that I have already mentioned starting this year and the funding continues, such as in "O" Street. What I will try to do, is simply highlight the other projects that are in the program which would indicate that we are moving forward with finishing out the Six year and Ten year plan as proposed. The first Project I would highlight is Pine Lake Road from 42nd to 56th Street, continuation of the paving on Pine Lake Road. That is in year 2002-2003. 84th Street, the continuation of the paving of that on South. Project 16C, and that would pick up south of Old Cheney and run on down through Highway 2, that would finish out the North/South Corridor, that is proposed in 2003-2004. Old Cheney Road from 70th Street East through 84th Street in 2002-2003. I'm not mentioning Old Cheney between Highway 2 and 70th because that money is already in the current program and the design is nearly completed. So that will be moving forward. 56th Street from Old Cheney to a quarter mile south of Pine Lake Road in 2004-2005. Pine Lake Road then finishing out Pine Lake from 56th Street on over through Highway 2 in 2005-2006. Fletcher Avenue, a short piece in 2005-2006 on Cornhusker Highway over through the 84th Street area. Pine Lake Road from 84th Street to a mile east of 98th Street, that is Project #27 in 2005-2006. And then 10th Street, which is a short piece of 10th Street, Sun Valley Blvd to south of Military Road. The short piece up here that would possibly provide us a connecting loop between tying in the tail end of Antelope Valley coming over and hitting 14th Street, Military and 10th all coming together and providing access on up to

Cornhusker. Again, those are on the out years, and until those move farther in the program, there certainly wouldn't be any work. But those are the primary projects that are in. I would reiterate this One and Sixth Year Highway CIP and TIP Program was presented on May 10th to the Planning Commission and approved by the Planning Commission on May 31, 2000. We believe that this program continues to support clear direction from the Council in the mid 90's to get out and finish the arterials on the mile-line roads in the fringe area and complete those connections as well as continue to ensure and beef up continued rehabilitation program that includes 2 + 1's on existing arterial streets and reinforces getting back into the residential areas with resurfacing and rehabilitation in some of those areas. With that I would answer any questions that you might have or would certainly be here at the end after the public speaks to answer any questions that you have. I do have a pad for names and addresses and would ask people who testify to please write their name and address so that we can respond to them.

Mr. Shoecraft: Are there any questions of the staff by the Council?

Mr. Fortenberry, Council Member: Thank you Roger, for your presentation. Can you explain in just a little more detail, landscaping and beautification for street improvement projects? Are you setting aside a particular percentage of the overall costs of implementing the new roadway, rehabilitating old roadways for that, or is it a case by case issue and is it done on every project?

Mr. Figard: I think it is more on a case by case. The idea was to identify that after, originally after we had completed each arterial street we ought to come back and be committed to plantings. Over the last 4 years, what we have realized is the planning for that needs to start with the design of the street. So we are simply indicating that there is money in these budgets for more than just concrete and steel and dirt and bridges. There is money in there and there is a separate and a distinct effort made to look at landscaping and aesthetics as we do the project planning. We would probably do that as a separate project than the construction project after the other is in. The planning for it would be done ahead of time and with the streets.

Mr. Fortenberry: So, Mandated and funded along with the actual design and implementation of a new roadway?

Mr. Figard: That is correct.

Mr. Camp, Council Member: Yes, Roger, I had a question for you on Project #10, which is the South and East Beltway. Through the year 2006, you are showing an expenditure of about 4.3 million, when can we anticipate either or both of those being completed? Because you also show, I believe 12 million for final completion beyond the year 2006.

Mr. Figard: Well, I think the South and East Beltway, the fairest on most honest thing to say is the money we've placed in there continues to be a place holder while we work out continued funding and ownership of that roadway. The City has been the initiator and the primary leader in the planning efforts to site a possible beltway. It is clear that it hasn't been decided yet, whether or not the City of Lincoln should own and totally fund that improvement if the community approves that study and converts it into a project. I think that it is appropriate and I mentioned a couple of weeks ago at a Pre-Council that we ought to have the latitude to try to lobby and leverage the State of Nebraska for the South and East Beltway as perhaps part of the State Highway Program. The money that is programed in here continues to allow us to finish the study. There is money that was procured by Representative Bereuter to start on final design and right-of-way acquisition on the South Beltway if the local community would approve and amend the comp plan and make this a study. Beyond that, we haven't begun to program City road dollars to start building or lay out that schedule. I have set up some meetings since our last Pre-Council later this month to start meetings with the Department of Roads to enter into those discussions, where we would begin to iron out real ownership and funding. But I think it is a little premature and we did not think it was appropriate for the City to show that additional funding. Until and if this Body approves a Beltway from a study to a corridor and a project, it would be presumptuous of me, I think, to suggest what the schedule to build something like that might be.

Mr. Cook, Council Member: Just a question about 14th Street, Old Cheney to Pine Lake and the 14th Street, Old Cheney and Warlick Blvd intersection improvement study. Would it be reasonable to assume that the intersection improvement and that stretch of 14th Street between Old Cheney and Pine Lake Road will be constructed at about the same time or are you planning to progress with them separately? You've got them marked separately.

Mr. Figard: They are marked separately, and I will tell you why.

Our first step was to determine and do some engineering analysis and determine if, in fact, there are some improvements that could be built at that intersection that might reduce accidents or improve safety. We are not sure, that it exists. There is some question why people are running the red lights? Why is there a safety problem there? Upon the completion of the study and the determination of whether there are some improvements, certainly any improvements proposed need to be in conjunction with the South 14th Street Project. They need to be coordinated so that they do not conflict. The current 14th Street Project from Old Cheney south is in the 2003-2004 portion of the program. I think we have time to finish the study and see if there is some alternatives and then in next year's update or the year after, Jonathan, determine how those two might dove-tail together or fit together and certainly they need to be built so that they do not conflict with one another.

Mr. Cook: So the year 2005-2006 for the intersection isn't necessarily how things will be carried out?

Mr. Figard: No, not necessarily.

Mr. Cook: There is some concern about the school opening on 14th and Pine Lake. How will construction of that intersection and road will affect that. Will there be any attempt to accelerate construction if we were to figure out what we want to do with that intersection?

Mr. Figard: There is always a way, I guess, it is a matter of priorities. If we move that one ahead, which one of these other ten or eleven projects do I move back right now. Or, how do we increase funding. We have tried to reduce some impacts to the school on south 14th. In working with the development community, and we're proposing that nearly a thousand feet plus of 14th Street, north and south of Old Cheney, in front of the school gets built yet this Fall or next Spring, before the school opens. That takes construction away from right in front of the school. It still leaves us with the challenge then how you do the construction to the north and provide access. At this point in time, that's where it fits and I guess we would coordinate the two projects.

Mr. Shoecraft: Alright, we have reached the second part of this Public Hearing. During this segment of the hearing, all interested parties who would like to present a statement, comment or ask questions pertaining to this proposed program, may do so. In presenting your statement, you may do so in one of several ways. Your statement may be entirely oral. You may have a prepared written statements which you may read. Or, if you have a written statement that you do not wish to read it into the record, you may simply give the statement to the City Clerk. They will be included as part of the official Hearing record. Because the record of the Hearing must be kept, it is requested that when you come forward to comment, you sign the sign-up sheet, state your name and address, and please spell your last name. Anyone interested in making a statement on this program may do so.

Mr. Jeff Altman, 5120 Pawnee Street: I just wanted to ask a couple of questions regarding the project for East 'O' Street, is that in regards to widening that area to six lanes? If that is indeed the case, what provisions are being made for the needs of pedestrians moving through that area? Secondly, there was mention of landscaping being included in the expenditures for the improvements to city streets and I wanted to find out, what, if any part of that is devoted to the expansion or improvement of the sidewalk systems? Thank You

Mr. Shoecraft: Thank you, can Staff answer the question please?

Mr Figard: The East 'O' Project is the project proposed for widening to 6 through lanes. The project in final design is working at making sure that we can provide safe and reasonable pedestrian access though the area. As such, as we look at landscaping, we also have a real concern about sidewalks and the width of the sidewalks needed. Part of the design out there, narrowing the design provides a better opportunity for sidewalks and landscaping and for pedestrians to cross the street. I think we are being responsive, hopefully to that need.

Mr. Shoecraft: Thank you.

Ms Karen Becker, 1800 Knox St., Apt. 3: What I would like to know is why the signs that says "walk" and "don't walk", for people, why can't it stay just like it does, for like cars going? Cause it seems like that by the time a person get across the street, half way across, it is already flashing that. And like on Cornhusker and Levin Street or Saunders and that, there is that corner from Cornhusker going onto 11th Street, there is no stop sign there. That is a dangerous corner. Thank you.

Mr. Shoecraft: Thank you.

Ms. Helen Curfman, 6931 Vine Street: I would like to know exactly what the plans are from 66th to 70th and the intersection there? Thank

you

Mr. Figard: The current plan for Vine Street between 66th and about 72nd Street, falls in that 70th Street corridor for study. So, at this point in time, until the long-range plan comes forward, with either new or different direction to study that area, we are not currently working on a study and we are not doing anything right now.

Ms. Curfman: Okay, because I have heard there were plans to widen it and it is such a pretty little area and that four blocks doesn't need to be widened. It would just double the noise pollution. Every night between four and six and I have, "boom boom boom"'s outside my door from people sitting there. They throw cigarette ashes and butte in my yard. And we don't need it widened at all, period. Thank you

Mr. Shoecraft: Thank you. Roger, could you answer the previous question too, also regarding the 11th on Cornhusker on Saunders?

Mr. Figard: I'll have to check into the stop-sign at that issue. The issue of the flashing pedestrian signs: when people start across the street and the light begins to flash "don't walk", that's an indication for someone not to start across the street. Once it starts flashing "don't walk", there is still adequate time for people to walk on across and finish. So, people shouldn't be confused. If they are part way across and it begins to flash, they are to continue and there is adequate time to do that.

Mr. Shoecraft: Thank you.

Mr. Danny Walker, 427 E Street: I 'd like to remind the City Council that for five years, the inner-city streets had nothing at all done to them. No resurfacing, no tearing up, no new paving applied, etc. etc. etc. The inner-city streets were reduced from 150 per year to 50-65 per year, and this does not include the five year period where the inner-city streets were not touched. And I think Roger has somewhat agreed to these figures and estimates at previous meetings. In addition, I don't know if it is still there or not, everyone is complaining about traffic flow onto 10th street. There is one parking space on the south side of the bus depot on 'P' street that I don't think is really necessary and it does obstruct the flow of traffic if you're turning left onto 10th Street to get to the Interstate. I would like to have someone take a look at that. I think that would be Roger's department, possibly. Thank you.

Mr. Shoecraft: Thank you.

Mr. Glenn Cekal 1420 C St.: You were mentioning, Roger, about 14th and Old Cheney. I think everybody agrees that intersection never was designed right. You build the South high there, whatever you call it on south 14th, I hope, even though it will not benefit me personally, I hope somebody has enough wisdom to put some sidewalks out there before the kids start going to school there. Some of them will be riding their bicycles and you know, if we can learn a new way to do somethings, I think we ought to start doing them. I think we are going to see a lot more bicycles because we have a lot of bike paths. Not everyone is going to be walking and hiking. So, I think a whole different kind of intersection there. It never was right, just start all over again. The intersection at 9th & 10th and Van Dorn, I have a feeling, though I don't know if this is a fact, that it probably was in the process of being designed right until a citizen of the City of Lincoln unfortunately got their way and changed the design and now it is not safe. As we increase our traffic their it is already a problem. As we increase our traffic their, we're going to kill people. There is all kinds of traffic there, so that on there also, Roger, needs to be re-designed, because when you get down to 14th and Old Cheney and then you get the high school and you get south 14th south of the 14th and Old Cheney, now all that has to flow together. We seem to lack a little bit of long range planning. Also we got to remember on these street designs, and I've never heard of anybody talking about it here, right now I don't own a bicycle and at my age I don't suppose you have to consider me a threat. We're going to have a lot of bicycles in this town. Whether you like it or not, we're going to have a bike paths. I've tried desperately to get the powers that be from the Mayor's office to the Senior Citizens what-have-you, to the DLA to what-have-you, to get a decent bike rack at 10th and 'O, that's traffic of a sort. I can't seem to get it done and maybe we'll get it done, but I'm just trying to show you how we don't listen very well, sometimes. We don't listen and then follow through. I think possibly one of the worst areas that we have and it's in an area that needs all the help and attention, Mr. Kent, that it can get, and the downtown area between 11th & 8th, 'M' to 'Q', that traffic, there is certain limitations in there, such as railroad tracks and a number of other obstacles. It's pretty hard to increase the size of that area, but anytime you get football games, street repairs, you get a fire and a car accident...try all those going on in that area and see what you come up

with. Then increase the downtown traffic because the City is larger, more successful etc. etc. and you've got one H of a problem. So, what I'm suggesting is this, you take that rectangle from 'M' to the south, 'Q' to the north, 11th street to the east and 8th street to the west, and you study that with a microscope and you because the biggest problem we have to keep it simple is we've got to constantly move traffic. There cannot be, you know I was watching this show, the Burma Road, and they had trouble with their truck back in World War II days and before, they would take and shove it over the side of the mountain.

Mr. Shoecraft: you have one minute.

Mr. Cekal: We cannot afford to have somebody block that area. And we've never done much about it yet. We can do a better job on that, bikes. And one last thing, when Mr. Doug Brogden was our Planning Director, he required, along with the City of course, that the apartments near downtown, that the parking come in off of the alley. Now those alleys are just as important to us as the front entrance to the State Capital Building. We've got to have those, they're decent. And don't ask us to travel over ruts and holes and what-have-you because it's not right. Unless you're trying to build a slum. So, when you consider, Mr. Walker talked about our lack of taking care of the older areas, don't forget the alleys and the sidewalks. We have been overlooking this and we can't any longer and I think the beep is going to get louder and louder to get this done. So, I don't care how you do it, if we have a bond or what, but it's got to get done. Thank you.

Mr. Shoecraft: Thank you.

Mr. Fortenberry: Mr. Figard, can you come over. 9th & 10th Street and Van Dorn, it one that I had brought to the attention of Public Works as well a little while back. Is it in the Traffic Optimization Studies?

Mr. Figard: Not specifically, it is not individually identified. I think there would be some options to do some more cursory analysis of what we might do there.

Mr. Fortenberry: It may not need a full blown study like these other intersections but one issue is because of the spacing between the two blocks there is so narrow, that as you sit west-bound going on Van Dorn you tend to look at the next light. And when it turns, you're not looking at the one you're sitting at, you're looking at next one and they are not synchronized. So, I've seen people nearly pull out in front of truck heavy traffic there and nearly have done it myself. Like I say, it may not need the level of study that you're conducting in other intersections, but there is a quirkiness there that needs our attention.

Mr. Figard: I'll make a note of that.

Mr. Fortenberry: I think for out last two speakers, it might be helpful to review the additional monies set aside this year for repaving projects as well as sidewalk improvements.

Mr. Figard: I'm not sure off the top of my head, I've said in the resurfacing and residential areas we've added about ½ million dollars.

Mr. Fortenberry: How many blocks, roughly?

Mr. Figard: I think our intention, we've done 70 blocks this year. The intention next year is to take the residential up to 90 and continue to grow that. I would like to make a statement when Mr. Walker talks about resurfacing 150 blocks of residential streets, there were some years when we've had an extremely bad winter and we took a whole bunch of money and canvassed a large area one year. But that wasn't a constant year after year effort. We went in and picked up some slack. My understanding was that the Administration had tried to indicate increased dollars for sidewalk repair. The sidewalk program has several parts; there's a repair program and there is also the construction program. As part of new subdivisions or new developments, the developers are required to put in new sidewalks adjacent to their property on arterials. Because the City does now own and maintain those sidewalks, we have tried to make sure the sidewalks are only constructed where there is a proven need for them. If there isn't any generator of traffic, why should we spend money and resources and then have to take care of it over time if it is not being used. So, each year, and we missed last year, we need to bring forward, an area where we are proposing to the Mayor and the Council to order new sidewalks in where they haven't been before or they've been missed in previous development. We are close to being ready to bring forward another program for you to look at. Then, in those areas where the property owners don't install the sidewalk, then we would bring forward the sidewalk assessment district, where the City would hire private contractors to go build the sidewalk and assess the cost adjacent to their property. The sidewalk construction still remains, the first time, the responsibility of the abutting property owner. The repair, the City

coming out of the general fund and Administration, I believe, tried to increase that up to a half a million dollars up from the 250 this year. That makes a small step in that direction. It is still a big challenge.

Mr. Shoecraft: Do any of the Council members wish to comment or ask questions about the proposed program? If there are no other comments or questions, I will make some concluding remarks. I'll remind you that the statements or exhibits received on or before August 17, 2000 become part of the Hearing record. The information received at the Hearing and during the comment period, will be evaluated by the Public Works Department and the City Council. Action will be taken by the City Council resolution to adopt the CIP Budget. It is now 8:45 p.m. and the Public Hearing is closed.

****RECONVENED 8:45 P.M.****

**2000-2001 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET
& CAPITAL IMPROVEMENT PROGRAM**

Deputy City Clerk: In addition to the tentative changes listed above, the City Council proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature. 1. The Mayor's Recommended Budget anticipates the use of allowable growth in the tax base above the 2.5% already provided by LB 989 for improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation, and any increase in valuation due to annexation, and any personal property valuation over the prior year. This increase is estimated at 3.88% pending certification of final valuations from the County Assessor's Office. It is the City's intention to utilize the final percentage increase in growth, as provided by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989. 2. The City intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2000-01 Budget to future fiscal years. This unused restricted fund authority is estimated at up to \$17,000,000 but depends upon final completion of lid documents to be filed with the State Auditor's Office. It is the City's intention to carry over all unused restricted funds authority as determined by final completion of the forms.

STARTRAN

Larry Worth, StarTran Director: I would note two adjustments, minor adjustments for what we talked about in July. First I would call attention to the memo that was passed out during the break requesting that the Council take preliminary action on the part of the 27th Street shuttle that serves the Scott Middle School in order that we could start service on the 21st of this month which is the day that the Council would be normally acting upon the total budget. The second is that I would note at that July meeting that we were able to serve all of the StarTran patrons that would have lost service as a result of the deletion of the six express routes except for a small number down around Faulkner. And we found in some studying of the 27th Street shuttle that we can serve those individuals with the 27th Street shuttle. So, we are successful in being able to accommodate all of the current patrons who are operating, or riding the express routes by use of either the new service 27th Street shuttle or by extending existing regular service. So, I just wanted to bring those two things before the Public Hearing.

Ms. Seng: OK, Larry I just want to ask now then that you found those that were on the south end, you found a way to service them. Then what about those that we had letters from that were on the north end?

Mr. Worth: Up there on Cornhusker?

Ms. Seng: Yes.

Mr. Worth: Yeah, we're serving that with the north end of the 27th Street shuttle and I think I talked to most of those individuals either after our Public Hearing or by letter advising them of that. We do have information that will, if there's anybody here that wants that information as to what would be the extended route, we have that for them if they wish. I also have, if there's any people here who are interested in the new school route we have done preliminary work with the Lincoln Public Schools to create some preliminary routes that would serve Scott Middle School. So if there's anyone in the audience who's interested in what we're looking at for that route I have that with me this evening.

Mr. Shoecraft: And, also before comments regarding StarTran there will be a Handivan service right after the Public Hearing on StarTran for those that need it?

Mr. Worth: You bet. We brought one person and we're expecting to take about 5 or 6 home.

Mr. Shoecraft: Immediately after the Public Hearing on StarTran.

Mr. Worth: Right. Thank you.

Jeff Altman, 5120 Pawnee Street: Chairperson Shoemaker and members of the Council I'm here as president of the Lincoln Chapter of the National Federation of the Blind of Nebraska and I wish to state for the record that, first of all we are sincerely thankful for the proposal to add a 27th Street shuttle to the StarTran system. We strongly support this and we feel that it will do much to improve service for all riders of the StarTran system and will likely lead to increased ridership. We do not support the removal of the six express buses from the system primarily because this will limit options for anyone who does not drive as to where they can chose to live or work. And, therefore we feel that this is discriminatory to those of us that are not able to drive. I recognize that Mr. Worth has stated that these areas will be covered by existing systems or expanding existing systems or existing routes. However, it is unlikely that these changes will result in equally convenient or effective to those who live in these areas. We are disappointed that at this point and time expansion and increase of service to the existing cross town route on 48th Street, 56th & 70th , and 66th Street is not being proposed for implementation. We feel that this would be very beneficial to the overall system as well completing the east leg of a modified grid system. We are also concerned and disappointed that an automated call in system, telephone system to provide schedule information has not been considered in the recommendations. We find it very difficult to carry around braille materials which the average braille schedule is approximately an inch thick and about 12 x 11. It's not exactly the most portable item in the world and computer disc's & cassettes are wonderful except that they require hardware to allow you to use them. So really the most practical way for a blind individual or an individual who is print disabled to access that material would be via telephone and we would ask that would be looked into as well and be a future consideration of StarTran. I have some written material that I would also like to present to the Deputy Clerk of the City Council for the distribution to the members. Thank you.

Bill Crawford, 105 N 8th Street: I applaud the Mayor's Task Force for implementing the Task Force to address certain issues concerning transportation, however, I do have some concerns and one of them is some of the additional vans that aren't part of StarTran and have lifts on them maybe we could have those vans in future years. The (inaudible) with StarTran and maybe there could be additional funding allowed for additional paratransit. I'm very pleased that they have a north and south 27th Street run and I need to tell you a couple of stories that relate to StarTran in a positive way. I live on 8th Street so by StarTran rules I'm expected to take the bus to work. The other day I got on the Belmont run and the bus was full, the bus was absolutely full, there's was no way I could get on it, but the upside of all that was I was waiting in the "Y" and I went down to 11th Street, got on the bus there, it was not full and they let me on the bus. The other thing that's a real positive (inaudible) is one of the drivers who works for StarTran from a personal point of view, she actually helped me or assisted me onto the bus not onto the bus, but she taught me how to back onto the lift and guided me in the walk. I wish more drivers were more sensitive to the disabled like that and I think public awareness and sensitivity by the drivers and by StarTran is coming and it's equally there, but there are some things that they have to do, you know, like the gentleman just said for the blind. I think that it's going to have the north and south run, maybe in the future years they need to decide that maybe the Mayor's Task Force along with all of that needs to also consider putting into, in fact the 48th run to the 66th run so then it completes both ends of the spectrum. And, one last comment, if they're going to cut the coupon program which so many people are on I wish and I hope that additional funding from different social programs or whatever would be made because I don't want any elderly persons who have to go to dialysis, things of this nature to miss out, because dialysis is a life threatening situation. If you don't go to dialysis Handivan or not your life is threatened because you need your blood clean. And, that's a life threatening situation. I myself am fortunate, but I've got, you know there are other people who need transportation in the City of Lincoln and other improvements, for a couple other improvements that they can make, they could cut down on the waiting time from an hour and 10 minutes to an hour. And, they could also make

sure that when they drop the lifts for disabled persons in wheelchairs that they drop the lifts on concrete. Don't drop them on grass because if your front wheels get stuck you're done. But I'll let you go and I appreciate your time and thanks a lot.

Mr. Fortenberry: Mr. Worth if you could come forward please. I'm sure I saw you writing notes so I'm sure you appreciated some of the comments. Mr. Crawford, is that correct?, was making, is there an opportunity to perhaps meet with, perhaps you already do this and maybe you can explain the times in which you do this, but meet with the representatives of the disabled community who might be experiencing particular difficulties or have suggestions like the gentleman said regarding efficient ways to load and unload onto the ramps on the buses. Do you have anything like that? (inaudible) you could look at?

Mr. Worth: Well, two ways, particularly with Bill. I think Bill and I have a good interaction relationship with regard to his concerns and thoughts, but we do have with the League of Human Dignity, League of Human Dignity there's a transportation subcommittee of the League Board which is the official disability group, public group and it meets typically every month or so and that's a good opportunity. I tend everyone of those. That's good opportunity for me to find what concerns they may have.

Mr. Fortenberry: I assume that's passed onto drivers in form of ongoing education?

Mr. Worth: You bet.

Mr. Fortenberry: OK, thank you.

Ms. Seng: Larry while you're up here talk a little bit about those taxi coupons that he was referring to. That, there has been a provision made for those to be picked up elsewhere?

Mr. Worth: Yeah, there's, in fact it's not a new provision actually. There's a, we find that the taxi company sells the taxi coupons at a 10% discount at an unlimited number. The current program limits you to \$120 worth of coupons. The taxi company will sell you as many as you want for, like I say, a 10% discount. We also found that the, there's a organizational for visually disabled people that sell them at 50% discount. I believe that Bryan LGH, there's a Bryan LGH program that sells them at a 10% discount, too. So, there are other, many other opportunities that the, that people can buy those. I think the biggest thing is getting directly from the cab company as many as you want.

Janet Douglas, 2788 F Street: I'm choosing to sit down because my balance is poor and I can't seem to talk and stand and concentrate on keeping my balance all at the same time and I have a cold so if you have problem understanding me we'll deal with it. As I sat here I made some notes on some of what Larry has spoken about. The tabloid for the annual operating budget came in the paper last week. On page six there's an article called StarTran changes to meet rider needs. It also said that mass transit is an essential mode of transportation. It really is. I would like to thank the Mayor for the Citizen's Task Force that reviewed the StarTran operations. We're very pleased with the 27th Street shuttle. That will really help us because that means I'm three quarters of a block from the nearest stop on that route. Thank you also for the 66th to the 70th Street shuttles. And, thanks for finally beginning the implementation of our grid system. It's about time. Now, regarding the City subsidized StarTran taxi coupon program. Keep in mind a few things; the first is the fixed route buses run until only 6:15 p.m. and that Handivan's run until about 10:00 p.m. And, of the coupons that are available right now as part of the City's subsidized coupon program are at a 25% discount. The tabloid says that the coupons are available right now to riders when the Handivan is not available and that would be Monday through Saturday after 10:00 p.m. and on all day Sunday. The tabloid also says the coupons are not, that these coupons are not necessary any more because the fixed route buses are all accessible. But, there's a hitch here because the fixed route buses only run until 6:15 p.m. Monday through Saturday and not on Sunday. So, there's a window where no one is covered with coupons. Now, the other coupons that are still available to people in Lincoln are the 10% discount coupons from the 55+ program with the hospital system, but you have to be 55 years or older to get those coupons at only a 10% discount. There's also a 10% discount coupon from Husker Cabs and yeah I could buy a whole bunch of those or anyone could, but that's only a 10% discount, not that 25% discount that the coupons through StarTran are. And, lastly there's a 50% discount program of coupons through the American Council of the Blind of Nebraska, but only people who meet visual guidelines or lack of vision guidelines can get those coupons so that leaves out a huge population of folks. And, I guess my last comments would be these. Eliminating this coupon program, that by the way I'm not even eligible for because I can still use fixed route buses for

which I will be eternally grateful. But, eliminating this taxi coupon program does not meet rider needs like the tabloid said it only further limits our minimal services. And, about this time last year I said the following to the StarTran Advisory Board when it met. We're all scared to death the you will continue to chisel away at the services that we have now and they're already minimal. We're scared to death that if you keep chiseling away we won't have anything left and those of us who can't drive have no choice. And, it's not fair because people who do drive and do chose to take the bus if the services are chiseled away that they can't use them they can go home and hop in a car, but we can't and that's not fair. Thank you for your time.

Laura Moore, no address given: In general I want you to know that I do support the recommendations of the Mayor's Task Force on transportation. I was one of the members of that Task Force, however, they did not recommend elimination of the taxi cab coupon program That was not even discussed. And, if you eliminate the taxi cab coupon program there would be a lot of elderly and disabled persons who are low income who will suffer from having to rearrange their budget just a little more so that they can get their transportation that they need. The 10% coupons from the cab coupon may be there and may be available to everybody, but still since the cab coupon program from StarTran is a little more of a discount than that they are going to have to cut their budget and maybe cut into their essential needs to provide their own transportation. I just learned this morning it's possible to arrange transportation to stay here until the end of this meeting which I didn't know and I am sure that several people in this city who do not drive did not know that is was possible to do that. I want to thank StarTran and everybody involved that this was a possibility and I plan on remembering it for next year. Thank you.

Catherine Johnston, 1912 Garfield, #2: My concern is when I have to go to the doctor and my doctor is way out there on 70th and Pioneers, the bus only goes to 56th. From there I have to walk 2 miles to get to my doctor, otherwise I have to take cab which is \$15.00 one way and I can't afford that all the time. And, they have proposed the shuttle going from north and south on 70th, but they don't have that. How come? It's just as important to the people going to the doctor as it is for everybody to get where they have to go. Otherwise I use the bus all the time. Thank you.

Janet Doulas: It would be great if you guys, if StarTran could have automated schedule information because even though, I have a friend who has a disability and she can see, but she is not a good reader. And, even though she's got the schedule in front of her she cannot follow well enough so that she can decide where she needs to be on a corner and when she needs to be there. She calls me all the time. Please read me the schedule and tell me where I need to be and what time and what time will I get downtown or what time will I get to my next appointment because I guess what I'm saying if it was automated it would help those who cannot read even though they can see.

Ruth Jensen, 640 S Street, Apt. 9: And, as this person Cathy over here was saying I whole heartedly agree with here. One of the, I do think that there should be transportation to the medical clinic she talked about at 70th and Pioneer. In addition to that another one, recently a doctor that I had been a patient of in past years namely a clinical neurology P.C. moved to an office at 5500 Pine Lake Rd. and upon checking with StarTran the closest, the route that would go closest to there would be to take Irving School and get off at like 56th and Old Cheney and then I would have a walk of about a mile and half to two miles. And, personally I don't drive a car I have no other means of transportation to get there. By the same token with what Cathy described about the place at 70th and Pioneer the routes that come closest to that would be to take either College View and get off at 56th & Pioneer and walk about 2 miles or to take Normal and get off at 70th and Van Dorn and that would be a walk of about 2 miles. And, I don't know why things, problems of that nature they should be added onto already existing bus routes or like I say. Then this stuff about the express routes, I don't know why the express routes, I think those should be, if they were, they should be made into routes, regular routes that run continuously all day instead of this stuff of picking up people, they get on at 7:00 in the morning they just go downtown to go to work and then they go back home again around like 5:00 or something. I noticed on those express routes only about half a dozen or less people get on those so I don't see how it can be financially feasible run like that because there's people that want to go to these areas I described. The clinics we mentioned here at 55th & Pine Lake & then the one at 70th & Pioneers nobody if you're in poor health or in bad

weather no one's going to have to get off a bus and have to walk two miles to get to places like that. And, another thing I've been concerned about that I heard one of the StarTran drivers say when I mentioned to him that there were certain areas of town that are not served by StarTran, there was no bus service at all and he mentioned that they did not have to, StarTran did not have to serve those parts of town because rich people live in those parts of town. I felt somewhat insulted hearing that. I mean I do not, I don't know if you call it discrimination or arrogance or what, but as far as I'm concerned I think anyone who is willing to pay bus fair to go to or from any part of town ought have the rights of a, right and not just a privilege, you know. And, I do not like hearing a StarTran driver say that they don't have to serve certain parts of town because of the rich people, because anyone rich or poor who are willing to pay a fare should be willing, I mean should be able to ride these StarTran routes. Thank you.

Robert Douglas, 2788 F Street: Like everybody else, oh, I'm also Vice Chair for the Statewide Independent Living Council besides being blind and being a member of that organization, also. For those of you that are unfamiliar with the Statewide Independent Living Council it's mandated under federal law, under the revisions made in the rehab act. I was appointed to that council by the tenant for the Department of Education. I like everybody else want to thank the Task Force for the foresight they took in expanding and going to a semi grid system and their first move being the 27th Street shuttle. I am disappointed, however, that they also did not immediately recommend the 48th Street shuttle. It's too bad it cost us seven routes by my map that those going four times a day, 2 in the morning and 2 at night, 2 trips. That's 48 trips. We knocked out 48 trips in order to fund the expansion of one route on 7th Street. In reviewing the Task Force recommendations they thought that expansion of services to the disabled was a good idea, however, I'm sorry we can't afford it right now, but they did think it was a good idea. When we asked the Mayor to put that Task Force together because of some of the problems that were going on we wanted improvements across the board that included improvements to the disabled services. Those were not touched at all. We could blame it on the budget, but I think maybe take a real hard look at as part of that Task Force. Sure, all disabled people are glad they have the services they currently have, but let's remember one thing, the City of Lincoln is following the letter of the law stating under the rehab act under Title One which covers transportation. However, they only do the absolute minimum. Those standards set under ADA were minimum standards gentlemen and ladies. You can go a lot further and with the number of disabled and elderly people you have in the City of Lincoln everybody could benefit by expanding the current bus system in making it more efficient, but not at the cost of the disabled by cutting a program with the caps. (inaudible) led you to believe that yes the American Council of the Blind has a cab coupon program, but nobody in the papers here today mentioned why that cab program was instituted to begin with. It's because blind people are not served at all by the Handivan system because they don't qualify. Because they don't qualify for the Handivan system they don't qualify for the cab coupon program either. Therefore, we took it on ourselves and instituted not a cab coupon program that would help the members of the American Members of the Blind, but a program that would benefit everybody that was blind and it doesn't cost the City a dime. We funded it, nobody else. If a small group of about 90 blind people in the State of Nebraska can pull something like that off to serve an entire City of Lincoln this Council can do more. If we can take that same program and institute it in Omaha this program can do more. And, if we are now looking at getting funded a statewide system that would now benefit Grand Island, Hastings, and Kearney I don't know why this Council can't save any, save the taxi cab program for all the disabled and improve bus transportation and save even more. Thank you.

Annette McRoy, Council Member: Larry I just wanted to address what he just said. The visually disabled aren't eligible for the Handivan service?

Mr. Worth: The American Disabilities Act only allows people who are unable to use regular scheduled regular service that's accessible. If a person can't use that then they're eligible for the Handivan service. The American Disabilities Act is very specific in that regard as to what the eligibility is.

Ms. McRoy: The second thing, do you want to address his comments that we're only doing the bare minimum of ADA?

Mr. Worth: I'd be happy to do that. Actually we're above the bare minimum of ADA. We, the nights service that we provide on the Handivan

after the regular routes end at 7:15, we operate the Handivan each weekday until 10:00. That's above and beyond the requirements of the American Disability Act. We operate the Handivan in all areas within the City of Lincoln. American Disabilities Act requires only that you provide what's called a complimentary paratransfer what we would consider our Handivan only within a, the corridors within the areas that are being served by the regular route system which is what they do in many cities. So there are a lot of areas that aren't being served in other cities. We operate throughout the whole area of the City of Lincoln. Those are two, at least the two big ones that I can think of that we operate beyond the American Disabilities Act.

Ms. McRoy: Oftentimes when you hear comments like this and you're not familiar with the whole ADA requirements and then the people at home in the audience they think that we're not doing anything or are doing the bare minimum and I wanted to educate myself also because I would be appalled if we wasn't doing more, you know. And, if we didn't do more we could find money in the seat cushions for other projects, but we can't find money to serve our disabled citizens who are just equally as important then I would be embarrassed, but that's why I wanted clarification on this because I don't want them to think we're not being fair in how we allocate funds. I think there was some good ideals brought out about the 48th Street shuttle and the call in, automated call in system. I think those are things we should consider, you know, within the next funding cycle.

Mr. Worth: If I could respond with regard to the call in. We have instituted the opportunity for anytime that StarTran is open is what 5:30 in the morning until 7:15 in the evenings essentially every day but Sunday. We have instituted the opportunity for people to call in to talk to a person and I think what we found is that most of the people who call in and ask for information it's a, they need information more than what they can typically get on this type of a fingertip type of system. Unless you've got a very expensive system, typically you have to know what route you already want and most people don't know that. And, they have a location that they are and they need to know how to get to another location. And, these fingertip systems don't really give you that unless you have a fairly expensive system to do that. That's not to say that we couldn't implement this fairly expensive system, but we have at least gone to the extent of trying to get, opt in for people to be able to talk to either the dispatcher or our information system anytime that we're open.

Karma Newman, 2541 N 9th St.: I was going to the bus stop one day and I got on it and the driver, I don't know what his name was, but it was Route 7, my chair started rolling and it rolled to the other side of the bus and the driver asked me to put my breaks on and I don't have visual breaks, they're inside of the chair and so he asked me if I wanted the shoulder strap to go around 'cause it's suppose to hold the wheelchair in place and I said, "yes please". And, he said, so he got up to get it for me and the shoulder strap doesn't go around the wheel chair. And, so I asked for tie downs and he said there was none on the bus. And, so unfortunately it kind of scares me to take the bus. Thank you.

Janet Coleman, 6049 Franklin: I want to say upfront, to rely on public transportation, private not-for-profit transportation and the good will of friends in about equal amounts. I think we have a good StarTran transit system in Lincoln. I think it's something of which we can be proud, and I also think that anything that's good can be made better. But, I also, and it's got to come as no surprise to you, you're not going to make it better without spending some additional money, and, I think that's probably fairly obvious. I want to say, also, that I think it's time that StarTran be looked at as a service entity. That it provides a service. We need to stop shaking our heads in despair when StarTran does not make it's own way. We don't expect the Police who are a service or the Fire or the Library's or the Parks to pay their own way. We need to stop shaking our heads in despair when StarTran does not pay it's own way. And, then I want to look just real quickly and I know I wrote a letter which I think you all have about the StarTran Task Force recommendations, I want to speak just briefly to them. I served on another StarTran Task Force 8 years ago. I assure you I'm not going to be on another one, two's enough, but we, for many years it's been recommended that we have a grid system in Lincoln that we do not send all of our buses through the downtown loop. And, the StarTran Task Force recommended at this time with the idea let's do a modified grid system and do the 27th & the 48th, 66 Street shuttle. I'm delighted that we've approved the, or you've approved the 27th Street shuttle. It's not going to be a test of the modified or the grid system unless you have both shuttles. And, I would like to encourage you to consider putting back in the 48th & 66 Street shuttle and then at the end

of the year we would have a real test of whether a grid system would work and whether we might move to a more extensive grid system. And, then I want to briefly, we haven't heard anything about the extension of the shuttle into the Haymarket. This is another thing that's been desired for many years and I thought the entertainment shuttle would be a very popular, I thought that would be a popular decision because it would provide service in the evening through the Downtown and the Haymarket by parking garaged and the major entertainment centers such as the Lied and Pershing Auditorium. Now, I thought, and perhaps provide some of the solutions to the problem of parking in the Downtown and the Haymarket area. I hope that these recommendations, particularly the Haymarket, I would hope that you might reinstitute this the 48th & 66 Street shuttle. I hope that you will use the Haymarket shuttle and the entertainment shuttles as blueprints as plans for the future. This was a great Task Force, we approached it with, we approached our decisions with, I think sound fiscal attitudes. We asked for only what seemed to us not much a 5% increase in the StarTran Public Transportation budget and we thought this would help us to make StarTran an even better system. Thank you.

Mr. Shoecraft: Thank you very much. Thank you for serving on the Task Force.

Ms. Coleman: My pleasure.

Mr. Camp: Jerry, I had a question. Janet, if I may I have a question for you since you're on the committee and all and I did appreciate you letter, when you talk about the entertainment are you talking about the one that would be on P and Q Street or do you mean the one that would be a rectangular shape around Downtown Lincoln.

Ms. Coleman: We would have gone through Downtown. I don't know for sure that I'm giving you accurate, they would have gone through the Downtown area and down into the Haymarket going by Pershing and I don't know the parking garages because that's been a long time since I've used parking garages, but going by the major parking garages, by Pershing Auditorium, by the movie theaters, by the Lied Center, and then by the various restaurants and other entertainment things in the Haymarket. I think the intent was it would start at five when the Downtown shuttle stops and go until midnight and also would run on Saturdays.

Mr. Camp: There was another idea, too, of looping around in a similar fashion during the daytime. I think that was discussed somewhat on the, by the Task Force.

Ms. Coleman: We did discuss, the and the extension of the shuttle into the Haymarket rather than just running the Downtown was certainly a recommendation.

Mr. Camp: Why do you think the daytime loop was not, did not receive as much favor on the committee?

Ms. Coleman: It did receive favor on the committee.

Mr. Camp: On the Task Force.

Ms. Coleman: Well not the one you're talking, one of the ones did. The extension. I think the other one, I think the one you're talking about which was a more extensive one was quite a bit more expensive than just extending the shuttle through the Haymarket. I think that was the major reason it didn't receive much consideration was the fact that it was much more expensive and we were trying to be fiscally sound knowing that we probably would be lucky if we got any increase in budget.

Mr. Fortenberry: Mr. Worth could you come up here please? I just wanted to get you to quickly address the problem that Ms. Newman mentioned a little while ago regarding tie downs on buses or a lack of a belt that would reach around.

Mr. Worth: I would be interested in knowing what driver that was. He would receive a lot of training as to where the tie downs are. If you know the drivers name or even know the date, the time, and what the route is we'll take care of that.

Ms. Newman: Route 7. He told me what (inaudible) to hold on and so I was.

Mr. Worth: No that's not acceptable. Next time you get on that bus he tells you to hang on you call me right afterwards, OK?

Ms. Newman: OK, thanks.

Karen Becker, 1800 Knox Street, Apt. 3: The thing of it is, like in the winter time and everything will we have our taxi coupons? I'm disabled, too, and I think we should have, where we should have it, you know, where we should be able to get on everything and have a taxi ride up there, because I have troubles for my balance. Thank you.

John Jensen, 1220 D Street, Apt. 4: I've never been to one of these meetings before, but my name is John Jensen and I'm in support of their 27th Street shuttle. And also, I wanted to mention that the drivers do a fantastic job. We need to give Larry Worth a round of applause.

Mr. Shoecraft: Do we still have to give Larry a round of applause (laughter)(applause).

Mr. Fortenberry: Maybe we ought to wait until the meetings finished.

Mr. Shoecraft: Bottle it up and save it.

****TOOK BREAK 9:55 P.M.****

****RECONVENED 10:01****

MISCELLANEOUS BUDGETS

Gary Lacey, Lancaster County Attorney: (inaudible- tape not on) called Pre-trial conversion. In that year it went private and it's director went private and those employees became a part of a non-profit corporation. I think when the City and the County divested themselves of pre-trial diversion you were basically spending about \$47,000 a year. The next year after it went private you paid \$36,000 a year. The Council and the County Board. In the interim period, pre-trial diversion that is Diversion Services Inc. has asked for no additional money from either the City Council or the County Board. This year because of the fluidity of the way diversion funds itself which is basically through the STOP Program which allows drivers who do minor traffic offenses to go to a class and also through the bad check program. Both those programs have declined. Eric McMasters is the director of diversion services and he's asking the Council and the County Board to anti up or appropriate \$8,000 each. I don't think this is a large amount of money and the County Board has already or is in the process of approving the \$8,000. The Staff of the City, for one reason or another, and I certainly don't cast any blame to anyone for this, but maybe just through a lack of understanding decided that the City didn't, shouldn't fund the full \$8,000 and gave a full a 5% increase which means that the City is, I think needs to come up with another \$5,000. Pre-trial diversion does several important things for the criminal justice system both for the City Attorney's office and the County Attorney's office. And, that is to divert the people who really don't belong in the criminal justice system out of the system through a system of sanctions and atonements, I call them, without having to see a judge or go through and be prosecuted and take up the time of the County or the City Attorney's offices and actually it just save, keeps some people out of jail and it gives the people to have a clean record on nonviolent offenses. Even felonies. I think last year there were 745 City misdemeanors diverted from the system which is up from 1994 from 401 to 745 cases. And, that's basically with, there just working with basically no increases from either of the two governmental agencies. Diversion Services has expanded to the City of Omaha. It's actually been in effect in Lincoln for more than 20 years. It's expanded to the City of Omaha and Diversion has a program there and it's even now gone to Tulsa, Oklahoma where there starting a Diversion Program there. So the organization is healthy and it's very frugal in how it spends it's money. And, I'm just asking, it's a good program, it's not very expensive, it saves money, it operates the bad check program, the STOP program and misdemeanor and felony programs. I think last year LPD got \$64,000 in new equipment from fees that were paid by people that were participating in the STOP program that didn't cost you guys anything. Mostly they like lights and some kind of sticks that they use in traffic congestion, those sorts of things. So, I think it's a minor thing, but I'd like to see the spirit of cooperation between the County and the City sharing in the expense of Diversion continued. I'd hate to see one entity of the two government get out of sync with the other for no good purpose. And, so with that if you have any questions I'd be happy to answer them. If not I'll sit down and let people who have more important things to say to you say them.

Mr. Shoecraft: You still have one more minute to beg for money, so ... (laughter).

Mr. Camp: Gary, I have one quick question if I may. On the Diversion Program on saving moneys, as you may know we're having both the City and the County is experiencing some fairly hefty amounts to incarcerate people or doing work off on their fines and so on, does the Diversion Program help us in that regard?

Mr. Lacey: Well, to be perfectly frank with you probably the people that are diverted wouldn't be sent to jail anyway, but I suppose there are some. We divert a few domestic violence cases that seem appropriate to this program and the Judges have been getting, have been, the County Judges have been putting more people in jail and fewer people on probation with that. So, it may help you out there, but not, probably not

significantly. It's just a good way to give people one chance and then hit them with both feet if they screw up again, er mess up again.

Mr. Cook: I have another question for Mr. Lacey. Yes, you said that there was a rather sizeable amount of money that went to the Police Dept. for purchase of new equipment out of the STOP Program.

Mr. Lacey: Yeah.

Mr. Cook: But, would they need this additional funding to make up for short falls that were due to variations in the program, why would money be going out when the program isn't fully being funded otherwise why not just keep a little portion of that that would normally be paid for the Police Dept.?

Mr. Lacey: Oh, it's political, Jon. I don't think the Police, or the Sheriff, or the State Patrol would necessarily like not getting the little perks that they can get through the STOP Program that they would probably wouldn't come to you for.

Mr. Cook: So the percentage allocations of the money taken in are fixed, they aren't based upon paying first for the program and then ...

Mr. Lacey: No, what ever's left over then goes to the Law Enforcement Improvement Fund.

Mr. Cook: OK. Have you talked to Steve Hubka about the specifics of this?

Mr. Lacey: Eric, he's been in Tulsa and I don't think he really gave an adequate recitation of what he's doing.

Mr. Fortenberry: I would agree with that. At that presentation it seemed there was not a clear set of reasoning as to why that budget increase was what it was. There was quite a bit of discussion about an Oklahoma program.

Mr. Lacey: That's Eric.

Mr. Fortenberry: Well, that's not our business...

Mr. Lacey: I know.

Mr. Fortenberry: It seemed to me to be reasonable to have this set pulled back, but we can take a look at it.

Ms. Seng: We did have a letter from Cathy it was in the packet here and she was asking us to take it back up to \$38,0 and supposedly we have \$33,600 in our, from Steve Hubka.

Mr. Lacey: Right. That would be the 5%.

Ms. Seng: Yeah, \$4,400 is what you're asking?

Mr. Lacey: Yeah it's not a lot, but...

Jan Gauger, no address given: I'll be very brief. It's probably overload to have two people on one small program, but I'll do it anyway. My name is Jan Gauger, and I just want to re-enforce what Gary said. I'm very familiar with this program and was on board when it was a County run program which cost a great deal more. You really get an investment back from your money not necessarily to your budget, but to the community because these folks have to pay restitution and as a small business owner when I turn my checks over to the Diversion Services for them to collect for me it makes me very happy. People in other communities don't have this kind of resource available to them. So, you know, it's not, I really do think that the money that you put into this program is an investment and that the community really receives a great deal back from it. Much more than what you put in, so I would urge you to reinstate the request. Thank you.

BUILDING & SAFETY

Lenny Pratt, no address given: I'm the Vice President of the North Bottoms Neighborhood Assn. We're kind of speaking to this in favor of it. We have several cases in the North Bottoms where, where we have to deal with a single, what would be a single family dwelling being used as a six person collegiate, sorority, fraternity, whatever the purpose they have in mind. That I don't think it goes with City ordinance about so many people being related to one another, not being related to one another living in that dwelling. We were wondering if this included that? We had some people who thought this wouldn't do us any good to come down and talk, but here I am anyway. And, I think it's basically genetic 'cause I'm English and you know what they say about mad dogs and Englishmen go out in the midday sun. So, we would like to speak to it as maybe even extending it so that we are, we're believing that it's not actually University sanctioned thing to put more than this many college students into a rental property. So, we just speak to the favor of it.

William J. Wood, 808 D Street: I think you have a letter from me, I'm the president of the Real Estate Owners and Managers Association. We're basically here tonight to say that we don't think there's a demonstrated problem that's calling for the need to license these duplex

units. The City hasn't come to us to discuss the problem. You don't have an ordinance yet that's allowing the inspection of duplex's so I think you're getting the cart before the horse putting money in the budget when there isn't a program in existence yet. We understand there may be a draft ordinance floating around someplace, but it isn't an established program at this point. I think a particular concern to us is the fact that if there is a problem in this area it would be good to have a focus group, some kind of discussions with the City to see if we can work out these problems. We believe that there's probably more of a problem in owner occupied single family houses then there are in tenant occupied ones. Part of that, we realize is due to elderly owner-occupants and so forth and we're certainly not saying that the City should be persecuting those individuals, but we think that this is something that there should be further discussions with our group and with the Lincoln Board of Realtors. I think we have a similar position with them on this and since there isn't a demonstrated need at this time we'd ask that it be investigated further before anything's put in the budget without there being an identified program.

Mary Jo Bousek, 201 S 24th St.: If you're following all this I think what we're talking about is the line item that calls for adding two new inspectors to the Building and Safety Department. And, that's what I object to and that's what I think Bill's talking about. Again, getting the cart before the horse there is no ordinance that says that they, they want these two in order to inspect all the duplex's and eventually all the single family rentals and there's no ordinance that says we're, you're going to do this yet, so it seems like you're jumping the gun putting that line in there for those two new inspectors. I personally don't like slum properties. I'm 100% for the City trying to get rid of them and do, will do anything I can to help figure out a way to do that, but to basically tax all of the rental property owners with this permit idea in order to eliminate a very small percentage of the poor property owners, poorly kept properties it seem unfair. I think we need to ask, would like to have you all ask yourselves whether we the people are here to help serve the government or whether you the government are here to serve us people. And, I think we can find a way to eliminate some of these problem properties other than taxing all the good property owners. So, any questions?

Jim Buckwalters, 7124 Phoenix Dr.: I am president of the Lincoln Board of Realtors. The Lincoln Board of Realtors is an association nearly 900 members and the association is speaking on this issue because the association is a proponent of private property rights, homeownership, and affordable housing as we've told you before. The association also, supports the enhancement of neighborhoods and is openly active in community oriented projects for instance the Paint-a-Thon which just took place this weekend. Our volunteer workers painted a house up on Hudson Street. The annual Property Enhancement Program that takes place within the Lincoln Board of Realtors where we judge and award dollars to those people who have improved their properties. Safety Through Song which is a program for children in the community teaches them how to safely cross the street. Habitat for Humanity where our volunteers both actively and financially support the program. And the list goes on and on. This Association does not oppose minimum safety standards and housing codes. Our Association does not support owners who will lease substandard housing. Safety is an important issue to our Association and we believe there are problem properties in the City of Lincoln, however, the Association does not believe that the current budget and ordinance proposal will correct these problems. The budget only served to allow City government to collect and spend more money. It creates more work, more paper work, three more City employees, two more City vehicles and we don't believe it will cure the problem. The Association wants to work with the City, with the City Council and with the Mayor to resolve this problem. The Association will support any ordinance which in the Association's opinion will effectively eliminate substandard housing be it owner occupied or tenant occupied or tenant occupied and we do not believe that the, to this budget will do that. We would like to be part of the solution to this problem and we'd like to be a member of the Task Force that would investigate this problem and come to a solution other than through the budgeting process. Thank you.

Mike Dennis, 1845 S. 48th Street: I am a lifelong member of the Real Estate Owners and Mangers Association. Our Association promotes safe clean affordable housing. It is my purpose to ask a question tonight and the question is, "will more inspectors provide quicker resolve to the problems at hand". And, I will have to say probably not. We have some real problems. We have identified the problem, that is not a problem in

the inspection industry. I can speak for the inspection industry, I've spent a lifetime as a member of the American Society for Quality. We do 97% of all of the industrial inspections on large complexes on everything from dam sites to building defense systems. The point is that the inspection process has other things that happen, one is the human element. As owners of businesses or owners of whatever, certainly you've interfaced with inspectors, there's a certain degree of latitude and I'll speak to the one that's the greatest. It's the difference between an investor property and homeownership. I have a homeowner that has spent 7 years with his front porch torn up. Now, I don't call in on this person. The fact is he moves rather slowly and I feel sorry for him, so this isn't going to become a quality of life issue for me and I'm going to call down to City Inspection and get after them, certainly not. I appreciate his effort. He's doing everything humanly possible. The other side of this is the investor operated properties have other considerations and that consideration is how quickly can I get a contractor to perform a task. City code continues to send out those stupid letters, you must comply within 30 days. May I ask how many people have contracted for a job and found resolve within 30 days? It's awfully difficult. What we need, we need something that works and sending out, having first of all a letter that says we'll have this problem resolved within 30 days doesn't work. Personally you can take me to court for the rest of your life and I doubt that a judge would have much sympathy for the system. I think that most of them understand it takes a little more than 30 days. So, what the inspection department does they build in these latitudes, which is really nice and I appreciate that, they understand that contractors don't arrive on the job the day the letter arrives. Now, there are things that we can accomplish. The small task gets done quickly, but major contracts sometimes wait and wait and wait depending on how many other things are of importance to that contractor. And, so you know, we, putting more inspectors on the job will not bring quicker resolve, but we have had a good inspection program for 30 years we have an extremely safe industry. All the multiple units in the City of Lincoln have been inspected for at least 30 years. But the importance is that more inspectors will not do the job that you're looking for. I thank you very much.

Ted Glaser, 4220 S. 51st Street: I would like to voice opposition to the proposed licensing of duplexes. My first concern is that in the past I had a discussion with someone in the Building and Safety Department Housing Inspection Unit, asked them if they intended to inspect the owner occupied portion of a duplex. I along with many other Lincolniters live in the duplex I own. He indicated at that time that it was their intent to inspect my personal property. I want you to know that I will be a willing participant in a class action lawsuit to stop anyone from inspecting my personal residence. Secondly, I have concerns that I have observed the Housing Inspection Units and they seem to have an agenda beyond just the life safety code, or minimum housing standards, but they seem to be out to find any little technicality in order to shut down a unit. There may be a unit that has no violations as far as life safety is concerned or minimum standards or the Quality of Life ordinance requirements and they'll say well this lot is a little too small even though the duplex has been in existence for over 30 years. If they proceed with this on a rapid pace and these units are systematically eliminated from the system you're going to have a dramatic decrease in the availability of affordable housing in the City of Lincoln. In addition to that you're going to have a devastating affect upon the lifetime investments of the mom and pop owners of those particular units. Also, the arguments have been put forth for this particular budget item points to the idea that the crime will be decreased, that their calls will go down. They give quite a number of calls for houses and duplexes they've been called out to and yet it does not indicate on there what percentage of those were rental units and what percentage were actually owner occupied. It doesn't address how long a time it took for these numbers to be accumulated. It does not indicate as to whether these are repeat offenders or if they're all brand new offenders. I have concerns about that. I would also like to point out that there are other cities such as Des Moines, Iowa that have implemented licensing of their duplexes of single family rental houses and they're slum type of property have not decreased, their crime rates has not gone down, and I would challenge anyone to tell me what crime has occurred here in Lincoln that could have been avoided if we had just raised taxes or licensing fees? Would Candy Harms still be here? Would Tina McManneman still be here? Incidentally, those tragedies took place at licensed facilities. So, I think to correlate the raising of licensing fees to improve our situation here in Lincoln, that correlation cannot be made. I would also like to point out that the Quality of Life ordinance that was

passed in 1996 and also our minimum housing standards already are laws that are in affect to address the issues that we're facing or talking about tonight. And so, if we implement this new layer, expand our government even more to burden, ultimately will burden the tenants is who it's going to burden. What's going to happen is, it's just going to be a duplication of efforts that already exist. I had the privilege of speaking with a couple of you personally, one of the Councilman that I spoke with today said, "well Ted, I can appreciate what you're saying, but quite frankly you're a little bit late coming up with this, you're a little late coming in, and I'm not trying to down you, but I just wanted to give you a reality check that you're a little bit late to be addressing this". Well, I would like to propose to you that Joe Public is not sophisticated enough to be able to get in and object to the streamline and steam rolling type of things that seem to go on at the Administration level and this is in fact a public hearing. If we don't speak now and be heard and actions be taken on what we say now then when? I would like to say, I understand there's one minute left, I would like to say that you have heard all the citizenry plead and call for you tonight to give a reality check to the Administration that when the public hears of this that this is a time the public will be heard and I hope that you will hear our cry. Thank you very much.

Danny Walker, 427 E St.: I would be all for this increase of two inspectors if Mr. Merwick would get up here and promise that would lessen my work load. I'm getting tired of doing Building and Safety's work. That was for the record and by the way additionally for the record I think it's time that the City sat back and looked at the Quality of Life ordinances. I showed you pictures earlier of various businesses, industrial complexes within the City of limits, within residential neighborhoods that are more or less junk yards and litter properties. When the Quality of Life ordinances were first established there was various little promises running around, that well the next thing that's going to be targeted is business and industry. I think tonight by the pictures I showed you and believe me I could run around and take 5 to 600 pictures of businesses and industries. (This portion of Mr. Walker's testimony wasn't recorded. The following are excerpts.) This turns the eye away from businesses. There should be a limitation on how long you can have a hobbyist permit. There's 45 to 50 unlicensed abandoned vehicles. Police were transferred to the schools so can't work on the hobbyist problems anymore.

Mr. Cook: The abuse of the hobbyist permits is under discussion.

Rod Hornby, 7901 Eastmont Rd.: I had the privilege of listening to Mike Merwick on complaints logged and they said something like 400 in four or five years, but they could have been all owner occupied. It seems this thing, and I'm not saying that that would be true, but it seems they need to log this and actually hone in on the problem a little bit more before they bring on inspectors too and license everything. It seems like this fee is like \$30.00 or \$60.00 a unit per year in the ordinance and that's a lot of money. I think in some accounts maybe by 2005 you are looking at \$700 to a million dollars a year coming in on this. Seems like discrimination if the homeowner that sits on his couch every night while his kids are running around in an unsafe owner occupied house don't have to have inspectors looking down on him. I think I agree with Danny Walker and I think bigger fines or just bigger sticks with the rules that we already have. I think we have a healthy public of landowners that would privately help to weed out the problems. I'd like maybe the Council to address me at some point on the reserves that are in the building codes now before we pass any new ordinances to spend more of our money. I think there's a huge reserve. I'd like to say in 15 years I've never had an inspector step into one of my licensed units that is already being policed. I think that's funny that we would want to. And, then I wonder how many units the inspectors there now currently on duty inspect. I wonder if a private company could do this cheaper and these are all things that need to be addressed before the budgets passed. A comment of praise for our Fire Dept. over the years they've stopped by my units many times and told us that we needed solid corridors and automatic closures and widening stairways and fire doors at the bottom when the City Inspectors never showed up over all the years that I've been in business. Thank you for your time.

Larry Holmes, 7400 Ringneck Dr.: I, too, own multi-family units. They were only inspected once when I purchased them. As far as the inspections go now it's a drive-by pay your fee and we're done with you. I vinyl sided a building recently. Instead of a letter of thanks for improving the property I received a letter that says you don't have the address on the front quick enough and you must take care of that

immediately. And, instead I'm trying to improve property I own and get criticized versus getting recognition for improving the neighborhood. The fact of the matter is it's just a fee. It's going to go up and it's going to continue to go up and it's unfair. Duplexes and then single families are going to be next. The fee, I don't see how it's going to improve the quality of life unless that money's going to be put into a fund for homeowners or landlords to improve their property. Urban Development has programs out there, they're low interest loans to improve property. Those need to be taken into account. This fee is really just going to increase the Mayor's budget and that's the bottom line here. It's going to make people who are trying to make a success of their life by buying property. It's going to take away money from them and it just makes no sense whatsoever in my view. And, I just heard about this as well and it doesn't seem like there's an ordinance already, but it's in the budget. There are solutions to this. If a tenant has a problem with their unit then call Building and Safety and they can get an inspector out there to take care of that problem. The problem is about 95% of land, landlords take care of the problems, 5% don't and you know the 5% that don't. On North 27th the City purchased several properties because they were depleted. I actually received one of those tenants and I said where is your current landlord I need to verify. Well, he was sitting in jail because he wouldn't repair any of his properties. They were still living in that unit. There was no solution to that other than we'll put them in jail. His property was still, you know, unmaintained and unliveable. There was no solution for them other than to move and the only reason they moved was because the City bought the property. I just think that we need to consider this before it goes on any further. Thank you.

Gene Ward, 7541 Old Post Rd.: I serve as Vice President of the Lincoln Board of Realtors and I just, there are a couple of areas that haven't been mentioned this evening that I want to talk about just briefly. One of the things that Ted Glaser mentioned when he was up here was that he was behind or he was late on this issue and ladies and gentlemen I can tell you that we had no inclination that there was going to be any inspections or proposed for single family dwellings until late last week so I think it's certainly not behind times for us to be able to come and share our concerns about that. And, I suspect that most of Lincoln, most of the owners of single family properties that are rented as well as duplexes have no idea what the City is proposing to do to them here. There are many poorly maintained homes within this City, but many of those are owner occupied and this ordinance proposal will do absolutely nothing to enhance the City's ability to eliminate those problems. As a practicing real estate person one of the problems that we have oftentimes is if people are relocated for one reason or another, job transfers, and that sort of thing, and there so they'll put their home on the market and if for some reason it does not sell then these people are in a position of needing to rent that property or perhaps they're only going to leave Lincoln and come back in a year later and they want to rent their property and it's not fair to expose them to a lot more red tape and unnecessary inspections and expense to accomplish what they need to do in those cases. So, I strongly oppose this, the expansion of government and the additional expense and thank you for letting me appear this evening.

Lori Yokum, 1827 S. 12th Street: I'm here to support the duplex licensing. I think this is a move to level the playing field for all rental properties. Currently multi-unit rental properties are licensed, why shouldn't duplex units be licensed. I think that the landlords have a responsibility to their tenants and to the neighborhood and to have, I lost my place, to responsibility to the neighborhood to have decent properties. Rental properties are done as a business and so they do have this responsibility. You have seen tonight an organized opposition to this. One of the oppositions is the fee. The amount that I have heard is about \$60.00 a year. This is probably \$2.50 per month per tenant or \$5.00 per month per tenant. I am sure this is not, if this would apply to each unit or for both I fully expect the cost to be absorbed by the tenants. I do not think that this will change the availability of affordable housing, \$2.50 or \$5.00 will not make any difference on whether or not there's a housing unit out there that people can afford. There are procedures and details that do need to be worked out with the money in the budget. There's a reason to work out those details without the money in the budget they're a waste of time. I think that further investigation of this process is needed. I would recommend a Task Force maybe with tenant, landlords, neighborhood people and Building & Safety. I guess we've heard a cry that this, nobody knew about this. Well, I knew about it when I heard the Mayor give his announcement of what the budget was proposed to be. If people just woke up today I'm sorry, but the government does move

and we all have a responsibility to keep track of what our City government is doing, too. Thank you.

Glen Cekal, 1420 C Street: I hope I don't put my foot in my mouth, but I never heard in terms of being those people that spoke against this I've never heard such a combination of clap trap, half truths, sarcasms, inaccuracies, selfishness. I used to be a Lincoln Board of Realtor member. I wouldn't be proud to say that today after what I've heard. The, for example the \$250 to \$400 price range level, let's say \$250 to \$350 price range apartment level, you're not really talking about somebody that has a lot of freedom in terms of a tenant. You almost have like what's a captive market. It's kind of like if you're a coal miner in the old days and you buy everything from the company store. If you want to abuse people to make an extra couple bucks. If you don't give a hoot, nice word instead of the one I was thinking of, about how you affect the quality of life. I don't know for sure where the people live that came up here, but I'll bet you there's not one of them that lives in what I would call a problem, single family duplex, triplex on up, rental type neighborhood property neighborhood. I don't know if I made that clear. I'll bet you there's not one. I know Gene Ward doesn't and there's other people that spoke here. And, if Mr. Wood who spoke what close to first? is so concerned he lives at the northeast corner of 8th and D in a historical designated property that's beautiful, the architectural aspect of it. It's absolutely exquisite. And, I say that from having been originally the youngest real estate man in Lincoln when I started in the business in 1952, retired in '77 because of health reasons. Next door east of him on his property is the biggest piece of crap I've ever seen. That entire neighborhood. The people that didn't like it when the City moved in on them regarding Cooper Park. Those people have to look at this crap that Mr. Wood has. Mr. Wood has a very nice financial situation, which I'm glad for him. I have my blind spots, so do other people, so I'm not really judging him because I don't think he realizes, I honestly don't. That's the truth, the whole truth, and nothing but the truth. I know something of his background. You know a country that doesn't take nice care of their animals like cats and dogs, people that abuse people by saying here's what we've got. If you want to rent it fine, if you don't go someplace else. This is the, we have four out of five landlords in the City of Lincoln are lousy landlords, but children who aren't supervised and instructed properly some of them have problems. Our landlords are in that situation. They have been unsupervised and until a short time ago we had someone, not now, but someone before in charge of Building and Safety that ran a very unethical, I'll call it crooked, shop. At the same token I'll give you the flip flop and I don't think there's anybody that's in this room that's perfect. I'm just going to wrap it up. Mr. Merwick, I complain to him rather often and he's spent two hours with me this week looking at properties that needed attention. He walked. Mr. Merwick, I'm sure is not perfect, well neither am I and I don't think any of you are, but that to me speaks loudly. I asked him for help, I think he's going to help me. Thank you. But don't let this crap bamboozle you. Thank you.

Mr. Camp: Mr. Cekal, Glen, I have a question, two questions for you. From what statistics or what source do you base your comments that 4/5th of landlords are crooked?

Mr. Cekal: Say that again.

Mr. Camp: You made the comment that 4/5th of landlords are crooked.

Mr. Cekal: I don't think I said that. I said that 4/5th of landlords do a lousy job. And, I still maintain that.

Mr. Camp: On what do you base that?

Mr. Cekal: Observation. I can show you on a personal tour. I'm serious take me up on it. I'll show you. Mr. Camp, you might live in a different world. You don't live out here where some of these properties are that we're talking about. There's exceptions. Look since I've been in the apartment rental business since 1952 I've never been cited by the Building & Safety Dept. to do something, because I had already done it what you basically needed to do. And, I'm sure it wasn't perfect, but evidently it was quite good. Now, other people might not think like I do, but that's OK, excuse me.

Mr. Camp: I was just going to say if you would get me a list of those properties that you're concerned about I'll be glad to pursue that.

Mr. Cekal: Mr. Merwick might help me with that list.

Mr. Camp: I know we've got other people's testimony, I think we need to give them time.

Mr. Cekal: But, look, look I can prove to you and you name the time and I'll be there unless I'm in, you know, I'll, I'll, I'm serious, if you want proof, Sir, I'll prove it to you. Absolutely without question. I appreciate it. You had two questions?

Mr. Camp: You answered the other one.

Mr. Cekal: I want a City that has quality of life for everybody and I'm not a bleeding heart liberal. I think you have to work to make a buck.

Patty Newman, 935 Robert Road: This has been going on for quite a while. I don't know if you guys got a letter signed by Curt Donaldson and Kim Coleck. It was written Sept. 24, 1998 regarding the problem resolution team and they talk about 76 cases from June of 1996 through September of 1998 and the breakdown of the different homes that they visited, commercial group homes there were 5, multifamily were 10, and single family duplex were 61. And, I think Wynn is going to update you with some of these, but this has been an issue as long as I can remember with neighborhood people. Please get inspectors to single family homes and duplexes. And, I can tell you, yes a crime was committed, I don't know how many years ago, but there was a property where a baby was killed because the ceiling crashed down because of bad plumbing in the house. That shouldn't happen. It shouldn't happen in Lincoln. In a perfect world, yes, everybody would take care of their houses, but if some are not doing it you've got to level that playing field.

Mr. Shoecraft: So, Curt was responsible for this. I thought there was a history of this. Thank you.

Tom Wanser, 5929 Franklin Street: I think clearly everyone wants a beautiful Lincoln. They want a safe and healthy Lincoln. There are ways to go about it. We have some complaints that have been filed and inspected and taken a look at. The numbers could be maybe 10%. I mean you can pull numbers out. We've seen numbers, but they've not been overly well thought out as far as whether they're repeat numbers, what they're for, single family or duplex. Single family and a duplex. It seems to me, that what at least I would like to see the Council and Mayor do would be to table this item this year, create a Task Force with appropriate people, take a look at it in the same light. The rules that we have today can work with some modification. If we know who the people are that are creating a problem then lets approach those people with some vigor and not take the shotgun approach per se. So, what I'd like to see done would be a Task Force with the appropriate people whoever they may be. Those that have an interest. And, sit down and figure out the best way to handle the problem. Thank you.

Bob Valentine, 2660 Park Avenue: I've had the privilege over the past few years to get to know a lot of people who invest in property and fortunately I've got to know quite a few of them. They're really neat people. I've chosen not to invest in property because, you know, my mutual funds don't call me in the middle of the night with a leaky toilet. But these people are taking care of their properties and they're providing a service for people that should receive our admiration and praise. Now, fortunately we live in pretty good times right now and there's a lot of housing available and there's a lot of good low income housing available. I heard a lot of people tonight testify before this City Council that \$5.00 is a lot of money. I heard a couple of people complain about having to take a \$15.00 taxi cab ride to go see a doctor. I'm telling you something, these good times might not last forever and then where are we going to go for good landlords who provide low income housing in this City. Income housing by the way which is already inspected by the Housing Authority and made eligible by their inspections which renders any additional inspections somewhat unnecessary. So, God bless these landlords and lets stop pressing them and pushing them and lets praise them and allow them to do the service that they do so well for the citizens of Lincoln right now. So, I'd urge you to table this until we get more hard empirical evidence on the number of real complaints that are being lodged, so that we don't have the nagging doubt that the real purpose behind this is revenue enhancement for the Mayor's little pet projects. Thank you very much.

Mike Merwick, Director of Building & Safety: I'm not going to give a big long speech because I think you've heard plenty from everyone. I had quite a few things to say, but most people have covered it in one fashion or another. A lot of people that you've heard speak tonight are telling you the truth. They're good landlords, they take care of their property and that's not the reason for the ordinance. And, part of the problem is it's hard to take, it's hard to differentiate when you're enforcing minimum housing code, what do you do with the good people and what do you do with the bad ones. And, so the solution is to have a minimum housing code that goes the next step and inspects duplex and single family rental in the community. A couple of things that have been asked, one is if it's an owner occupied duplex would the owner side be inspected. The answer is no. If the owner is living in a duplex his side would not be inspected. We would catch the other side in the year 2004

when single family inspections started. So, I said I'm not going to belabor a lot of points here and go over some of the things that have been said, but I would tell you that I have discussed this with the Mayor and he has said that he is willing to sit down and to talk with groups of people that have an interest in this. The reason that this is on your schedule right now is it has to be included as part of the budget. It cannot be implemented until an ordinance is passed and so the Mayor said he would be willing to have a group of people sit down and discuss the proposed ordinance, see if there are new ideas out there and new things that could be looked at that might alleviate some of the concerns that have been expressed here by the Board of Realtors and other people here today. But, I guess I would tell you that it's your choice to go either way, but if we look to do anything this year in the form of having a program the first step is to include this in next years budget. However, there is no implementation, there is no money appropriated where nothing happens until that ordinance passes that sets out the new standards for inspections of duplexes and single family rentals.

Cindy Johnson, Council Member: Mike, talk to us a little bit, because I know there's been some confusion about where the money's coming from, is it going to be coming from anywhere in the General Fund?

Mr. Merwick: No, this is a fee driven program and that's the reason for the cost of the program the \$60.00 fee will generate the monies to run this program.

Ms. Johnson: So, what starts it up is the Enterprise Fund that's within your department?

Mr. Merwick: It starts up is will be kind of going on with the revenues that we have now. We'll issue these and as people enter as payments go out and come in that'll generate the money. I will not be adding, we'll not be hiring all these inspectors initially so we'll be part way into the year before anyone is hired. We'll have to identify the duplex, set up a program to maintain the inspections and once that's done we'll hire another inspector later on in the year. So, it's not going to probably come close to the funds that we're talking about setting aside initially, but it's going to come in a little small phase. Like I said nothing can happen until we pass an ordinance. The ordinance is the thing that triggers things and we can sure sit down and talk to the people that have expressed concerns and see. Perhaps they have other suggestions that we've not addressed or other thoughts and I guess that's perfectly fine, I think, with the Mayor to do this and get some more input.

Ms. Seng: Mike, I heard some things that I don't think were quite right that people were saying and one of those was that members of the Fire Dept. had been into inspect, but no one had ever been in there from Building & Safety. Well, in fact the inspectors that were in there in the form of Fire are actually part of your staff correct?

Mr. Merwick: We do have Fire Inspectors that do go in buildings. John Boies is here. John? John could probably address this better. He's been involved in the project for a longer period of time, but his inspectors do inspect the apartments, not always is a person there.

John Boies, Chief Housing Inspector: I guess in response to your question, the Housing Inspectors do get inside of every building in the City of Lincoln annually. So, we do get into the buildings. Fire Inspectors do get into the structures at the point of sale and that's primarily when they're getting in there.

Ms. Seng: At the time they're for sale?

Mr. Boies: When they're sold, yes. Occasionally we'll have a question for a Fire Inspector and sometimes they'll come out and give their expertise, too. So, Fire Fighters also may go through these as a walk through and familiarization and pick up a code violations also.

Ms. Seng: OK, so then it would be Fire Department?

Mr. Boies: Yes.

Ms. Seng: And, I wanted to speak a little bit to the fact that this has been bubbling around in City government for quite sometime. This is not anything that's brand new and I recall when Curt was on the Problem Resolution Team and that's what Jerry is serving on, the Problem Resolution Team now. That's where this came from right? because of the number of complaints within the Resolution Team right?

Mr. Merwick: I think that was part of the start of it, but I think the other part of it was the neighborhood associations feeling that they had, there's a lot of single family and duplexes that weren't getting inspected that was causing problems in their neighborhood and felt that if we inspected the three and up we should be inspecting the duplex and single family also.

Mr. Camp: For both of you, as you know I used to be on the Housing Appeals Board and so observed a lot of the three and up units and we had

discussed potential review of the duplexes and single family. Mike, in regard to your comment about doing a Task Force and being willing to wait it sounds like there's a constructor tenor here in the community and the administration to do something like that. Would it not perhaps be best for us as far as budgetary process to wait and maybe see how the next six months evolves and get people to get input to decide, you know, is it more inspection or perhaps stiffer penalties or what have you, so maybe the penalties would then fund it. How many are the real problem landlords or whatever so that we're not penalizing those who are good or taxing or ...

Mr. Merwick: You wouldn't, by including it in the budget you don't implement the program you just state that it's a program that can be implemented if the ordinance is passed by the City Council. So, if you didn't want to pass the ordinance it would just be a floater out there with no funding and no ability to start the program.

Mr. Camp: So it's chicken and egg type deal?

Mr. Merwick: If it's not in the program, you know, you need to add it into the total budget program. Your total program when you adopt the budget.

Mr. Camp: Thank you.

Ms. McRoy: Mike, could you address some stats we were talking about from the most recent years regarding the number of complaints you get in about substandard housing, and just the complaints (inaudible) in general, how many of those are duplexes that are rental properties. I think we're talking about the rental units as opposed to where the landlord lives on the other side because I think you're not going to tear up a place, or it's not, on the other side, the other side where he looks out in bad shape, so we're not talking about the ones where obviously the landlord's living a 100 feet away. We're talking about the ones where the landlord is 3 states away and not watching over the property because in the year and a half that I've been on the Council and before that working with Urban Development the most problem properties I've seen have been in the lower income areas of the City of Lincoln and they are duplexes and single family houses. The tragic story that Ms. Newman was talking about where the baby died, that shouldn't have happened. I remember that when the roof did cave in. I don't know which landlord they were talking about that let that happen and so I guess I'm a little appalled that I think there's some great landlords out there. I've rented property from some very absolute, magnificent landlords out there and I've also seen properties that I didn't rent because they were crap. And so, I think we need to do something with these, but I think statistics we talk to people about what you have recently on your books and where they're coming from the complaints that will help the general public understand what the reason behind it is. It's not to, I think the fee driven program will only support itself in two or three years and I think we'll be supporting this. That's a budget item I'm willing to squeeze into and look to support itself down the road, because I don't think we're going to get any extra money for any other projects. I mean (inaudible) we could use that money to fund more Police Officers. I only think that we're going to be able to, I don't want to think landlords and pass on the cost. We should just do enough to cover the cost of the program and not a dime more.

Mr. Merwick: Sure.

Ms. McRoy: So I guess those two concerns, areas concern me that we don't raise it so, you know, we're squeezing out people who are decent. And, then the other thing is, let's talk about statistics what's the reason behind this?

Mr. Merwick: OK. Ron has that information there.

Ron Peery, Manager of Building & Safety: I think what we had talked about was in the, over the last year since '96 when the quality of life came in we started receiving a lot more complaints and we average about 450 inspections on duplexes a year initially and about double that or 800 for reinspections on that. And, then the single family would average on a year about 1900 inspections because of the complaints and totally between the two the single family and the duplex would be around 5,200 or so inspections based on those complaints. Now, the thing that we have never done because it's never been an issue with us because we're just looking for the minimum housing code standards or the quality of life things we've never, we've never made any distinction whether it's rental or whether it's home owner occupied. So, I can't sit here and tell you that of all of those complaints that the majority of them were rental properties and I can't tell you they were owner occupied either way. I just know that from what, you know, the inspectors say or what you hear out in the neighborhoods is that the rental properties are the ones that are causing the problems. I guess my personal feeling is that if you are renting something to someone then they should be afforded the minimum

housing standard if they live in this type of property.

Mr. Fortenberry: I have a question for Mike Merwick. Mike, I'm just going to give you some thoughts that are a little bit wide open here, but I think some of this has caught me a bit off guard really first learning about the concerns of the industry in this regard. Kind of in the 11th hour here and I think generally I operate on the assumption that we had done the background work in terms of meeting with those affected as we traditionally do across the board in various departments that regulate constituencies. And, I see here and I appreciate your suggestion that perhaps a Task Force to look at if this would be implemented by ordinance to look at some creative means would be appropriate. I most definitely think that's appropriate, but I think that's where we've gotten cross-ways to this point. I think help and communications about what was coming, being open to suggestions from those who ...

Mr. Merwick: This has been, this was discussed before hand, but I don't think, there was always a difference of opinion on whether it should be or not so it wasn't like we didn't discuss it, but we didn't invite 5,000 people to discuss, but it was discussed with several different groups (inaudible).

Mr. Fortenberry: Well, let's put all that beside, behind us ...

Mr. Merwick: Yeah, that's no problem.

Mr. Fortenberry: and I think your suggestion and the Mayor's suggestion that we put together a Task Force is very good. Just some general ideas that I thought of again if the statistical breakdown points to problems with a particular set of landlords or a particular area that falls within Urban Redevelopment (inaudible) as we've redefined them by the Urban Development Dept., are those opportunities to more target and refine an inspection program that might be more appropriate. Now, the flip side of that is that it's typically more low-income housing and might impact that cost of that housing, I don't know, but that's one idea.

Mr. Merwick: Sure.

Mr. Fortenberry: The other has been as I'd mentioned was suggested that a broad brush stroke might not be the more appropriate way to address the issue, but rather a more pinpoint attack really trying to figure out if these are certain, there's a trend here in certain areas or again by certain landlords that that might be helpful to point out. And, then if there are any creative mechanisms from the industry that might look at ways we can partner in this regard rather than come along with the big stick. I think that would be more than appropriate.

Mr. Merwick: Yeah, that sounds fine. As I said we don't have any problems sitting down and meeting and seeing where we can go and if they've got some good ideas we'll sure look at implementing them.

Mr. Fortenberry: The other issue Council Member McRoy raised. It would seem to me peculiar that if you had a duplex and you live in one side that you're not, the other rental next to you wouldn't be up to standards or you've allowed to deteriorate, obviously, because it's impacting your own, but is that true?

Mr. Merwick: Some, I would say if it's owner occupied you have less of a change for the unit next door to get into disrepair. I'm not saying it does not happen because it has happened, but probably if you're the owner and living in the duplex you're going to be there to watch things and take care of things. It's a lot more unlikely that if it's owner occupied that there is a problem.

Mr. Fortenberry: They're just some, again, open thoughts that I had on the process, but, you know, put it behind us and move forward with particularly the Task Force idea, I think that would be great.

Mr. Cook: Yeah, I have many concerns about the details of any program and I know we're still in the process of working out those details. Of course discussions are (inaudible) and others would be valuable. There's a lot of information I would like to see owner occupied versus investor occupied properties and the complaint rates for each. I guess I'm also, there was another statistic that I was interested in, crime? No, no, but anyway I guess that there are a number of things I like to see that, now you're saying you don't normally break it down by owner occupied versus investor occupied, but ...

Mr. Merwick: We'll see what we can do. I understand your ...

Mr. Cook: Is that something that if you have addresses of where complaints were received it's perhaps something that can be followed up on, you can look up to see what the ownership arrangement was at that time and maybe, you know, you may not have them now, but you could generate those numbers for us.

Mr. Merwick: We'll see what we can do.

Mr. Cook: Certainly location of town I think that's a good thing to look at. I guess also whether the problem, this is the other thing, what

kind of complaints these are. If they are a complaint about the exterior of the property versus the interior problems because that makes a huge difference in what kind of inspections program we have and whether it will actually deal with problems we're seeing. It would involve interior inspections when?

Mr. Merwick: When we go out to the duplex or at the single family. It could involve an interior inspection as well as the exterior.

Mr. Cook: But your apartment inspections don't currently involve an inspection of each individual unit, but only hallway and the exterior.

Mr. Merwick: Hallways, utility closets, heating plans, things like that.

Mr. Cook: So this would be a change. This would be a more detailed inspection then what you currently have for apartments. Well, then I would have some concern, I think, about the privacy aspect and what kind of notice there would be to tenants and whether tenants would be comfortable certainly.

Mr. Merwick: It would all be done by appointment. You would have to call up and make arrangements. We wouldn't just knock on the door.

Mr. Cook: Well, but if you, if that number came up in the computer and you decide to go out to a single family or duplex property presumably you'd call the landlord and then you'd make an appointment with the tenant, what if the tenant said I don't want anybody to come in. I don't want anybody to for whatever reason I don't feel comfortable with a City Inspector in my dwelling unit, what would, that's something I guess that would have to be dealt with, would you decide then? Does the person in the dwelling unit have the ability to veto that inspection or what if they were out of town and, for a few weeks?

Mr. Merwick: We would only do it by appointment. I think it would be the landlords obligation to get the tenants consent. That would be part, I would assume, of the landlord tenant rental. I think if the tenant knows we're going to be inspecting each year that would be part, that would be some knowledge he would know. It's a little different. That's why we were talking about duplexes. When the owner occupies one side that's similar to him occupying his own home. The otherside is a rental unit and that throws it into another category and is something to be inspected. Of all the things, a lot of these issues that you're raising here are things we'll try to look at and try to get some information on. But, I think we'll get a lot of input from some of the people that have talked here tonight as to, you know, how they feel about things and we'll try to get as much information as we can. It's not so much a question as it is of numbers, as it is of equity and inspecting duplexes and single family rentals just like we do the rest of them. And, we'll generate what information we can and see where we can go and then we'll sit down and talk and go from there.

Mr. Cook: OK, thank you.

Mr. Shoecraft: Mike, I've got a question. I was listening to the world famous Valentine and Baylor Show this morning. I should have been working, but I couldn't pass those two up. And, a question arised in regards to duplexes, there's certain number of duplexes that tenants received assistance from Lincoln Housing Authority and I manage about 30 properties myself so I have some knowledge and backgrounds in regards to some of those duplexes where tenants receive assistance from Lincoln Housing Authority. They have to be inspected in order for we as landlords, etc. to receive our money basically.

Mr. Merwick: Right.

Mr. Shoecraft: So, is an inspection already occurring already on the interior and exterior of those properties?

Mr. Merwick: Yes. But I talked to Larry ...

Mr. Shoecraft: And, then what percentage would fall in this category that ...?

Mr. Merwick: About 263 or 64 of those. I talked to Larry Potratz who's the head of the Housing Authority. They inspect to the HUD standard which is less than the minimum housing standards so Larry said he would encourage the minimum housing standard to be something that we would look at to inspect all those units, too.

Mr. Shoecraft: I mean I'm telling you they have me fixing everything, you know, from requesting some outside gutters to carpet repair to shelf broken.

Ms. Seng: Crack in the window.

Mr. Merwick: Well, when we have our Task Force (inaudible) invite to be on the Task Force to get input from them as to what transpires with the units that they have. They have about, as near as in our conversation, about 265, 63 something like that duplexes, but they could be included in the Task Force.

Ms. Seng: Well, I think you just said what I wanted. I was going to say if a Task Force is put together I want to make sure you've got some owners and I assume that you're going to do that.

Mr. Merwick: You bet.

Wynn Hjermsstad, Urban Development Dept.: I'm here tonight as a representative of the Problem Resolution Team, or the PRT. It's been mentioned a few times and I'm pretty sure you're all familiar with PRT, but for those that might be watching or in the audience, the PRT, Problem Resolution Team, was created in 1996 to address long term problem properties that need a multi-jurisdictional approach in order to address the problems. Representatives are primarily City people, er City Departments, but others are included as well and represented on the PRT are Police, Health Dept., Building and Safety, City Attorney's Office, Urban Development, Information Services provides some technical assistance, Lincoln Housing Authority, Health and Human Services, Mayor, and City Council. And, Patty Newman mentioned tonight a letter that was sent to the City Council by the PRT which I have copies of here because it was two years ago, so if you don't recall that letter it was signed by Curt Donaldson and Captain Kim Colack, these co-chairs of the PRT at that time. When the PRT was first started we started not only to address long-term problem properties or problems that need a multi-jurisdictional approach, but also to look at policies and issues that may perpetuate problems and so this letter did go to you and the Mayor to the City Council and the Mayor recommending that single family and duplexes be licensed as our now three unit and above apartment units. And, the reason why was we started looking at our cases and a real common theme amongst all these cases at all, a great majority of them, and I will get to numbers is that they were rental units and that they were single family and duplexes. And, folks have been asking for numbers tonight well I have some now. I wanted to follow Building and Safety because these are just PRT cases so these are only those cases that have been a problem for a longtime or that have more issues than just housing. In some cases they aren't even housing problems, but interestingly, well I'm getting ahead of myself. We have had a 100, looked at a 101 cases since we started four years ago. Of those 11 have been commercial or group home type properties. 14 have been multi-family and 76 have been either single family or duplex. Of that single family and duplex number 75% have been rentals. So, that's 75% of the 65, did I do that right? It's just getting too darn late here. 75% of the cases are single family and duplexes. Of those 75 65% are rentals. So, basically over, just slightly over half of those cases have been single family rentals and duplexes. What we have found in the cases where their multi-family cases and that's three or more units of three or more that have been inspected I don't think that we've had one case that I can check where there was a housing code violation. They were other types of issues, or problems with the tenants are usually a big one. It's interesting that everyone had, not everyone, a lot of people tonight had said well let's look at other options. PRT has looked at a lot of options that have been either found or too difficult to (inaudible). Some of those include more abatement. Someone mentioned here tonight a landlord not being able to fix something up because he was in jail, because he chose to go to jail. Right now Judges don't have to, the way I understand this, Judges don't have to force someone to clean up a property. They fine them, they can force them to clean them up, but the way the law's written they don't have to say you have to clean up that property and that's something that the PRT is looking at. It may require some changes in State legislation in order to do that. We've looked at increased fines. Could we do, you know some people have said could we look at just the problems, you know, are there certain landlords that are a problem and could we just fine them more? Well, we've looked at that and could we do an increasing fine for each one and there's been problems with that. I didn't think all this was going to come up tonight so I didn't bring it all along, but I can get this for you. We've looked at licensing landlords and I'm sure everyone would hate that after what we've heard tonight, but some states do that. They license landlords, where you don't license the property you license the landlord and if the landlord has consistent violations you pull the license from the landlord so that they can no longer rent their property. So, I mean, we've looked at a lot of different things and eventually settled on this as being one of the most effective. The PRT is concerned because we see this trend increasing. The number of complaints on single family and rental properties has gone up every year. We're especially concerned because of where it's happening. It's in the older parts of the City. It's in our older neighborhoods. We don't see these kinds of complaints out on the edge, you know, the new stuff it isn't happening.

It's the older ones. It's our experience that physical deterioration tends to bring with it increasing crime and decay and that's a national trend. I have a map here that was prepared a couple of years ago and I wanted to get it updated for you tonight and I didn't make it, but this is a map that shows PRT cases from 1996 through 1998.

Mr. Fortenberry: Wynn, I'm going to ask you a question why you're putting that up. I'm a little bit confused by what you're suggesting. Are most of the Problem Resolution Team, even though it's in single family rentals or duplex rentals over half, due to some problem with the property is the problem with the property due to some behavioral pattern or the tenant or is it a combination, one leads to the other and one feeds the other?

Ms. Hjermstad: If I understood your question right it's usually all of the above. The cases were single family rentals or duplexes in every case there has been housing code violations. In the cases where, and I think this is what you were asking, where it was multiple units that are already inspected then they tend, the problems tend to be with the tenants rather than the property. I'm not explaining this very well. Single family and duplexes, it could be a crack house, there could be health violations, it could be every horrible thing you can think of. Run down house, illegal activity, health code violations, maybe children there that are being abused, you know they run the whole gamut, but the common theme is that they're rentals.

Mr. Fortenberry: Yeah, I guess the glue of the question is to try and get to the, to the real issue and certainly you don't want to treat a (inaudible) and not, you know, a manicured lawn and a fixed up roof that a crack house doesn't do us much good and so I'm trying to separate out the two issues or maybe there so intertwined that you can't.

Ms. Hjermstad: I guess another concern that we've had is that by the time it gets to the PRT in most cases, I mean we have one case now that's been with the City for 20 years and you look at the number of times that the Police, Building & Safety, Health, Urban Development, Health and Human Services that the amount of Staff time invested in that one property is pretty overwhelming. Well, then when you take, you know, even just the PRT cases and then add to that just the number of inspections that Building & Safety has had to do and the number of reinspections just the amount of Staff time and I guess one of our concerns is that, you know, it is tax dollars. And, if we are talking about trying to be more prudent with tax dollars, you know, I think that we don't look at the Staff time that goes into addressing these problem properties. Whether it's just eight complaints about housing code violations or if it's a PRT case.

Mr. Fortenberry: What is the percentage of these homes that would fall within Urban Developments various zones of work whether they're blight ...

Ms. Hjermstad: Darn near all of them. It does tend to follow the low or moderate income areas of the City. There's a few outside, but most of them are in our older neighborhoods and I guess that's one of the concerns is because we see that trend increasing and the number of violations increasing and complaints. And, again we don't see it in the units where there are three or more that are already inspected. We see it in the single family and the duplexes. Someone tonight mentioned apartments have been being licensed for 30 years and I'm not sure if that's true or not and he alluded to them being safer because of that. Well, I guess that's our point is that we're not talking here about major beautification things we're talking minimums here. Minimum housing standards. One of the issues tonight has been that this wasn't discussed with REOMA. Well we have been talking about this for several years and I believe that Curt Donaldson a few years ago did go to REOMA and discussed it with them. They didn't like it I understand, but you know, that doesn't mean that we can't have more dialog, but it doesn't mean that it wasn't discussed with them.

Mr. Camp: I have two questions, Wynn; first on the PRT, the Problem Resolution Team, that's all government members is that not correct, and I guess this idea of being discussed here of a Task Force to perhaps join private and public sector may be another step that hasn't been handled so we can get the input on both sides. Granted there's been discussion there. In fact, I don't think anyone here tonight is speaking against solving these problems, just what is the best way to do that? So, I would say that perhaps some of the ideas and discussions that the PRT has had might benefit or there might be some other input from direct participation in a Task Force by REOMA and other people so that you get that sharing of knowledge. And, I recognize PRT has to handle things on a very discretionary basis or careful basis. Second thing you alluded to one property that's been like a 20 year problem and not knowing anything about

it I hate to ask an open question like this, but how would this inspection approach make it any better? If all of the people on the PRT haven't been able to solve it in 20 years, I guess PRT has been around about 4 or 5 years, but even in that period if it hasn't been solvable how would the inspections help?

Ms. Hjerstad: That one case happens to be a rental unit and there have been a lot of problems on the interior of that unit. In fact it was the one that Patty alluded to earlier where the baby died. Where had that been inspected those code violations would have been corrected. So, ...

Mr. Camp: Why didn't the City get it solved in that 20 years? That concerns me with all of our great people that we have that it wasn't solved or why wasn't it shut down? Something slipped through the cracks.

Ms. Hjerstad: Well, it is tough and we have to keep in mind that's probably the worst one in Lincoln and I don't think any of us want to legislate for the worst. There's always going to be one or two that, you know, if we legislate for the worst then, you know, who knows what we could end up with. The issue at that particular property, I think, has been we have minimum codes in Lincoln. We don't have a beautification ordinance although some people refer to the Quality of Life ordinance as that. It isn't. We have minimum standards so the Health Dept. for example would go to that house and cite that owner for the minimum code violations. That owner would bring it up to the minimum and then that's all he would do and so, and then he wouldn't do anything else. And, then it would deteriorate again and then maybe Building & Safety would get called. Building & Safety would go out, the person would then make the minimum requirements and that's all he would do and then it would deteriorate again. So, it's been kind of an ongoing process or problem.

Mr. Camp: Excuse for interrupting, but it seems like in a situation like that what we need to do is perhaps have some different legislation that would have accumulative penalties so that that person ...

Ms. Hjerstad: That's a great idea.

Mr. Camp: I mean in fact when I was on the Housing Appeals Board I brought that up. You know, let's let the violators pay for this plus, you know, that's wrong. No one should be able to bring up to minimum code in one section of the municipal code and then deteriorate and go to another. That shouldn't be occurring in the city of our type in our community.

Ms. Hjerstad: That is something that we looked at in the PRT and they do do it in other cities and I'm not sure, I'm thinking Omaha might do it. But I think ...

Mr. Camp: Maybe this Task Force ought to look at that as a fair alternatives.

Ms. Hjerstad: Well, I think there was some legal issues with it. I think our Law Dept., and now I'm not sure 'cause I don't remember. But, I think that's a great idea that we look at something like that.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St.: During my tenure as president that tragic did occur and it occurred in our neighborhood and Mr. Hedrick we've had problems with for a very long time so we well know what happens in the older neighborhoods. We've watched it happen. I remember when the PRT was created. Wynn came to the older neighborhoods and discussed this. We were definitely for this and we needed some type of mechanism to work with the older neighborhoods because we did have some landlords who did not take care of their property. We had a lot of landlords that did, but in the older neighborhoods it seemed to be falling on the side of a lot of landlords not taking care of it. So, I hope that we can move forward and form the Task Force. There's many things that need to be worked out and I hope included on that Task Force will be citizens from the community that may not be rental property owners, but have some concerns especially within the older neighborhoods. So, thank you. Any questions?

Doug Rotthaus, 8001 Lake St.: I'm also Executive Vice President of the Lincoln Board or Realtors. A couple of things. I think it's safe to say our Association would be real apprehensive about passing the budget prior to the ordinance. We've heard lots of promises that will be listened to and I guess I don't understand why that couldn't have come forward prior to now. You know, why the ordinance has to wait until after the budget approval. A couple of things; my understanding is that the draft ordinance that we have seen just simply modify an existing ordinance and according to, we were able to meet with Mike Merwick and Ron Peery last week and my understanding is that their department will not gain any new authority by passage of the or the amendment of the ordinance. It simply creates the licensing process and the ability to collect fees. My understanding is that an inspection can be done now based upon a complaint and it sound like we've had properties that have been complained about in the past and have not been corrected. In some of the cases that were

talked about in the PRT study were not available, were not brought up, you know, by the Building & Safety Dept. and we met with them and I find that too surprising that that comes forward at the late hour as we've been said to be appearing on this matter. So, it seems that any data that comes forward at this point or is generated beyond this point has not been analyzed into the recommendation to change the budget. And, I think it should be prior to making the addition to the budget and we just ask for your cooperation with that and that we can work out an ordinance which our association can support and which we feel then that we would also support the budgeting for that, you know, whatever the agreeable ordinance is, excuse me I got off track here a little bit. Something else I did want to address just briefly, it was suggested that no one of our association lives in older neighborhoods or lives in substandard areas, I don't consider my former residence of 15 years to be in a substandard area, but I was a resident of the Irving Dale neighborhood for 15 years. One of the reasons I moved and this is a personal situation, one of the reasons I moved were because of a couple owner occupied properties. I really didn't have problems with the immediate tenant occupied properties. We heard over and over again that the evidence is not here to support that this problem exists truly just with tenant occupied property. And, I think if, you know, if there's one thing that we can agree on here is that we are opposed to substandard housing and we don't support people who operate substandard housing. We want to have an agreeable ordinance before we move forward with the budget authorization, because once you approve the budget then we're back down here arguing about the ordinance if it's not agreeable. And, I don't think extending the same type of authority they have now in Building & Safety is going to correct the problem. Really ask yourself, you know, they've been able to correct the problem up to now. They can do an inspection based on a complaint. It's not getting done. My understanding is part of the problem is that judges tend to hand out lower fines than what the current ordinances currently require and I think if anything you need to put some teeth in the existing laws rather than create government, more inspections, more employees. It's not the right answer now. We need to get the ordinance before the budget. Thank you.

Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of the Lincoln Board of Realtors. Just a couple of last points and I will be very brief I promise you. I think Doug makes a very good point that the Building and Safety Dept. will get no new power from this ordinance other than a requirement to license every single duplex and eventually every single family rental property in Lincoln. The testimony by Wynn Hjermstad, I think, was very instructive. In four years a 101 cases, I think, dealt with by the Problem Resolution Team, the map that she put up indicated 10 open cases in September of 1998. That's not a very large case load and if you cannot put the forces of the Police Dept., Health Dept., Urban Development, Building & Safety, and the City Attorney's Office and some others that I forgot to write down to get these problems resolved expeditiously then it's not a matter of a problem of not licensing duplexes. It's a problem of people who own or occupy or both a very small handful of problem properties and nobody can seem to figure out how to fix the problem. This is not the solution to that kind of problem. We have had as Ron indicated a large increase in the number of complaints as a result of passage of the Quality of Life ordinances. Don't doubt that a bit. I think that's probably right and in fact probably justified based on the language of those ordinances, but keep in mind those ordinances are not the minimum housing code. Most of those requirements focus on aesthetic issues. They talk about cracked and peeling paint, broken windows, although that could be a minimum housing code violation, detached gutters and so forth. The thing that you really need to understand about the minimum housing code that is it is a very powerful tool. It is a very strong ordinance. In every case that the problem resolution team dealt with there were violations of the minimum housing code. That's no surprise. I just moved out of a house that was a pretty good house and a pretty nice neighborhood. And, I guarantee you that I could find housing code violations in that house. I could find them in yours, and yours, and yours, and yours. I have no doubt about it. The minimum housing code ain't so minimum. So the power that you are wielding by an annual inspection of these is considerable and the fact of the matter is it isn't going to help you resolve the problems that people are talking about with the Problem Resolution Team. So, we would suggest to you again that is you're going to do a Task Force let's do a Task Force. Let's try to figure out how to fix this problem. Let's increase the fine, let's provide for civil penalties, let's especially increase repeat violation penalties. Let's deal with the problem and not just a means of revenue generation to create more inspectors. That won't solve it.

MISCELLANEOUS

Dan Albertson, 3850 Orchard: I represent the Lincoln Independent Business Association and work with the Budget and Monitoring Committee and first just on behalf of all 800 members thank you for spending 5 or 6 hours having a hearing to look through your budget. That's, I was sitting out there and I'm going to have someone else come next time so I admire you for hearing all this. Second, I certainly want to thank the Mayor and Steve Hubka. We've had an opportunity to come in and look through your budget book and they did a great job of presenting it to us and that was really helpful to us LIBA members who really interested in the budget so we really thank you for that process and we certainly thank all of you who join us at LIBA for your participation because it really helps our business members know what's going on. I've got some three observations of the budget based on the review that we did and ask you to consider. On page one of the budget it says this: the major primary goal of the budget was to keep the property tax rate up. We'd ask that you would maybe change that focus a little that \$7 million additional money that you're considering spending would be used for something that we're sure you need to spend it on. Whether we keep the, you know, we would actually prefer that the level of the levy dropped so we don't see that as the, it looks like the focus maybe ought to be better on what if you spend \$7 million on it as the things that are necessary and as compared to just keeping the levy low because you're in great times right now. We've got a 9.1% increase in sales tax. You've got a 4.6% increase in the property base. You're spending down supplies and maintenance about \$350,000 and really that's sort of borrowing into the future you're, as is in the proposed budget. You're dropping the budget, you know, the budget balances in many of your budgets and that's really drawing off of your savings account. When you're doing this when you've got a 9.1% increase in your sales tax which is 45% of your budget. I mean that's a huge increase and I guess the question that LIBA would have is are you sure that you can sustain that in case you don't get 9.1% increase next year. You know you're adding 38 new employees. Those aren't people you're probably going to be able to dismiss next year. That's what about 65% of all your increases of personnel. I doubt if you can go back on that. And, I guess the question is, once you've spent that money, got the road going you wonder if the times would change whether you can maintain that. And, LIBA would ask that you really carefully consider that before you decide to spend all of this wealth that's being produced by the private sector this year which we think 7.1% increase in your budget is a good increase. I just ask you to really think about that carefully whether you can sustain it into the future, because we don't think, we never see it back up. The last thing, and I'm going to tell you this all during the deal with the Fire Dept. and Rural Metro I was never here, didn't have a talk on it, haven't taken a position on the issue, but I do question this as it relates to the budget. And, I know that this is something that's out in the community. I hear it a lot, but I don't take a side on it, but I want you to think about it. You had three CPA's tell you that the \$162,000 that you were going to save wasn't there. OK, now that's the private community of what LIBA represents says it's not there, you know, that those numbers are out there and yet it's part of the budget that you're counting on. And, it goes to credibility, I think, because I think the private sectors looking and saying, geez you've got the good reason not to count on that dollars and although it's not an excessive amount just say, you know, you're saying I'm going to have that money. Just ask you to one question whether it's there and it's not so much whether \$162,000 is going to make or break your budget, but it does go to the idea that it sort of looks like you say it's going to be there or that we don't really listen to when people say you should question that where you should show some caution. So we would ask you to consider that and show some caution. Finally, one last point, LIBA would ask that you continue to work with the other entities to make sure that all of the other entities like the County and the School to make sure that major issues that are going to cost money are being skewed up so that they don't run right into each other. OK, I mean we've got to know what's coming down the road because if the school, you know, I really know which part of my bill comes from the City I look at my whole property tax bill. OK? And that's what everyone else I think does too. So, just make sure it's queuing up fairly with everyone else so that we know what the major issues of that's going to cost a lot of money, schools, Antelope Valley, whatever those are are getting lined up in ways that we're not running right into each other. We hope there'd be a little bit more coordination there. That's my comments. Do you have any questions?

ADJOURNMENT

11:33 P.M.

SENG Moved to adjourn the City Council Budget Hearing of August 7, 2000.
 Seconded by Johnson & carried by the following vote: AYES: camp,
 Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, City DEPUTY CLERK

Judy Roscoe, Office Assistant III

